

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 UNITED STATES OF AMERICA, : CRIMINAL CASE NUMBER
4 PLAINTIFF :
5 :
6 VERSUS : 19-CR-311
7 : AND
8 : 20-CR-153
9 :
10 JERRY ZWEITZIG :
11 DEFENDANT, :
12 :
13 -----

14 SEPTEMBER 17, 2020
15 COURTROOM 6A
16 PHILADELPHIA, PA 19106
17 -----

18 BEFORE THE HONORABLE WENDY BEETLESTONE, J.
19 -----

20 SENTENCING HEARING

21 APPEARANCES:

22 ERIC L. GIBSON, ESQUIRE
23 ASSISTANT UNITED STATES ATTORNEYS
24 615 CHESTNUT STREET, SUITE 1250
25 PHILADELPHIA, PA 19106

COUNSEL FOR THE GOVERNMENT

19 LYNN GLIGOR, RMR
20 OFFICIAL COURT REPORTER
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25

23 PROCEEDINGS RECORDED BY STENOGRAPHY-COMPUTER,
24 TRANSCRIPT PRODUCED BY COMPUTER-AIDED TRANSCRIPTION
25

1 **CONTINUED APPEARANCES:**

2 **KATRINA YOUNG, ESQUIRE**
3 **FEDERAL COMMUNITY DEFENDER OFFICE - EDPA**
4 **601 WALNUT STREET, SUITE 540 WEST**
5 **THE CURTIS BUILDING**
6 **PHILADELPHIA, PA 19106**

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COUNSEL FOR THE DEFENDANT

1 (CLERK OPENS COURT AT 1:05 P.M.)

2 THE COURT: GOOD AFTERNOON. HAVE A SEAT.

3 ALL COUNSEL: GOOD AFTERNOON, YOUR HONOR.

4 THE COURT: THIS IS THE MATTER OF USA

5 VERSUS JERRY ZWEITZIG, TWO CRIMINAL ACTION NUMBERS,

6 19-311 AND 20-153.

7 CAN I HAVE SOME INTRODUCTIONS, PLEASE,

8 FROM THE GOVERNMENT?

9 MR. GIBSON: YOUR HONOR, ERIC GIBSON FOR

10 THE UNITED STATES. AND WITH ME IS AGENT KATHERINE

11 MURRAY FROM HIS.

12 THE COURT: AND DEFENSE?

13 MS. YOUNG: GOOD AFTERNOON, YOUR HONOR,

14 KATRINA YOUNG FROM THE FEDERAL DEFENDERS ON BEHALF OF

15 MR. ZWEITZIG.

16 THE COURT: AND I HAVE MR. ZWEITZIG HERE,

17 AS WELL.

18 MS. YOUNG: IF I CAN JUST REMIND YOUR

19 HONOR, HE HAS A HARD TIME HEARING, SO IF EVERYBODY CAN

20 JUST MAKE SURE THEY SPEAK VERY LOUDLY.

21 THE COURT: OKAY. CAN YOU HEAR ME NOW,

22 MR. ZWEITZIG?

23 THE DEFENDANT: YES, MA'AM.

24 THE COURT: OKAY. I WILL MAKE SURE THAT

25 THE MICROPHONE IS CLOSE, AS WELL.

1 SO MR. ZWEITZIG, WE ARE HERE TODAY TO
2 SENTENCE YOU.

3 THE DEFENDANT: YES, YOUR HONOR.

4 THE COURT: YOU HAVE PLED GUILTY IN A
5 CRIMINAL CASE 19-311 TO 5 COUNTS OF MANUFACTURING AND
6 ATTEMPTED MANUFACTURING OF CHILD PORNOGRAPHY IN
7 VIOLATION OF TITLE 18, U.S.C. 2251(A) AND (B); AND 1
8 COUNT OF POSSESSION OF CHILD PORNOGRAPHY IN VIOLATION OF
9 TITLE 18, U.S.C. 2252(A)4(B) AND (B)(2). AND IN
10 CRIMINAL CASE 20-153, YOU PLED GUILTY TO 1 COUNT OF
11 MANUFACTURE AND ATTEMPTED MANUFACTURE OF CHILD
12 PORNOGRAPHY IN VIOLATION OF TITLE 18, U.S.C. 2251(A) AND
13 (E).

14 IN CONNECTION WITH THE SENTENCING, I HAVE
15 REVIEWED THE FOLLOWING:

16 THE INDICTMENT IN 19-311; THE INFORMATION
17 IN 20-153; THE PRESENTENCE INVESTIGATION REPORT AND
18 RECOMMENDATIONS PREPARED BY THE PROBATION OFFICE; THE
19 GOVERNMENT'S SENTENCING MEMORANDUM; VICTIM IMPACT
20 STATEMENTS THAT WERE SENT TO ME WITH THE GOVERNMENT'S
21 SENTENCING MEMORANDUM AND ALSO ONES THAT HAVE BEEN SENT
22 TO ME IN THE LAST FEW DAYS; DEFENDANT'S SENTENCING
23 MEMORANDUM AND MOTION FOR A DOWNWARD VARIANCE; AND THE
24 GOVERNMENT'S MOTION TO IMPOUND.

25 SO MR. ZWEITZIG, I AM GOING TO GO THROUGH

1 A PARTICULAR PROCESS TODAY. I AM GOING TO FIRST
2 CALCULATE THE RECOMMENDED SENTENCE UNDER THE GUIDELINES.
3 THEN I AM GOING TO RULE ON ANY MOTIONS FOR DEPARTURES,
4 IF THERE ARE ANY, UNDER THE GUIDELINES. THEN I AM GOING
5 TO CONSIDER THE FACTORS IN 18, U.S.C. 3355(A). I WILL
6 TELL YOU WHAT THOSE FACTORS ARE, AND THEN I WILL ANALYZE
7 THE FACTS OF THIS CASE PURSUANT TO THOSE FACTORS. THEN
8 I AM GOING TO IMPOSE A SENTENCE THAT IS SUFFICIENT BUT
9 NOT GREATER THAN NECESSARY TO COMPLY WITH THE ELEMENTS
10 IN 18 U.S.C. 3355(A)(2).

11 LET'S START WITH THE PRESENTENCE
12 INVESTIGATION REPORT. DID THE ATTORNEYS RECEIVE COPIES
13 OF THE PRESENTENCE INVESTIGATION REPORT?

14 MR. GIBSON: YES, YOUR HONOR.

15 MS. YOUNG: YES, YOUR HONOR.

16 THE COURT: HAVE COUNSEL AND DEFENDANT
17 REVIEWED THE REPORT, INCLUDING ANY REVISIONS MADE AFTER
18 THE ORIGINAL WAS PREPARED?

19 MR. GIBSON: YES, YOUR HONOR.

20 MS. YOUNG: YES, YOUR HONOR.

21 THE COURT: AND ANY FACTUAL OR LEGAL
22 ISSUES TO BE ADDRESSED BY THE COURT?

23 MR. GIBSON: NOT FOR THE GOVERNMENT, YOUR
24 HONOR.

25 MS. YOUNG: NO, YOUR HONOR.

1 THE COURT: NO CORRECTIONS OR OBJECTIONS?

2 MS. YOUNG: NO.

3 MR. GIBSON: NO.

4 THE COURT: HOW ABOUT YOU, MR. ZWEITZIG,
5 IS THERE ANYTHING THAT YOU WOULD LIKE ADDED TO THE
6 REPORT BECAUSE YOU THINK IT WOULD BE HELPFUL OR TO BE
7 REMOVED FROM THE REPORT BECAUSE IT IS INCORRECT?

8 THE DEFENDANT: ONE CORRECTION, YOUR
9 HONOR. IT SAYS -- A MINOR ISSUE. IT SAYS I AM 71, I AM
10 NOW 72. OTHER THAN THAT, NO, MA'AM.

11 THE COURT: OKAY. MR. LOCK, CAN YOU MAKE
12 THAT CORRECTION?

13 THE PROBATION OFFICER: YES, YOUR HONOR.

14 THE COURT: MR. LOCK, I ALSO RECEIVED
15 FROM YOU AN INDICATION THAT YOU MIGHT HAVE RECEIVED
16 ADDITIONAL INFORMATION THAT PERHAPS WE SHOULD INCLUDE IN
17 THE REPORT?

18 THE PROBATION OFFICER: YOUR HONOR, ON
19 TUESDAY I RECEIVED INFORMATION FROM STAR, WHICH IS A
20 PROGRAM WHERE THE DEFENDANT ATTENDED TREATMENT IN 2015
21 AND 2018, BASICALLY VERIFYING WHAT WAS IN THE
22 PRESENTENCE REPORT.

23 I ALSO RECEIVED INFORMATION FROM THE
24 TRINITY DIVINITY SCHOOL VERIFYING THAT HE RECEIVED A
25 DOCTORATE IN MINISTRY IN 1990. AGAIN, JUST TO VERIFY

1 WHAT IS ALREADY IN THE REPORT.

2 THE COURT: MS. YOUNG, DO YOU THINK WE
3 NEED TO ADD ANY OF THAT TO THE REPORT?

4 MS. YOUNG: NO, YOUR HONOR. I EXPECTED
5 THAT THAT'S WHAT WOULD BE CONFIRMED, SO, NO.
6 BY THE COURT:

7 Q. SIR, DID YOU GO OVER THE REPORT WITH YOUR
8 ATTORNEY?

9 A. YES, MA'AM.

10 Q. AND DO YOU NEED MORE TIME TO GO OVER IT WITH
11 YOUR ATTORNEY?

12 A. NO.

13 Q. ARE YOU SATISFIED WITH YOUR ATTORNEY'S
14 REPRESENTATION?

15 A. YES, MA'AM.

16 THE COURT: OKAY. SO NOW, LET'S TURN TO
17 MY CALCULATIONS OF THE GUIDELINES. WE TALKED AT YOUR
18 PLEAS, MR. ZWEITZIG, ABOUT THE TOTAL STATUTORY MAXIMUM.
19 LET ME REMIND YOU OF THOSE. WITH RESPECT TO COUNTS 1
20 THROUGH 5 IN CASE NUMBER 19-311, AND COUNT 1 IN CASE
21 NUMBER 20-153, WHICH IS MANUFACTURE AND ATTEMPTED
22 MANUFACTURE OF CHILD PORNOGRAPHY, IT IS 30 YEARS FOR
23 EACH COUNT WITH A 15-YEAR MANDATORY MINIMUM TERM, A
24 MINIMUM FIVE-YEAR TERM UP TO A LIFETIME OF SUPERVISED
25 RELEASE, A \$250,000 FINE, MANDATORY RESTITUTION,

1 FORFEITURE, A \$100 SPECIAL ASSESSMENT, AND IF FOUND TO
2 BE NON-INDIGENT, AN ADDITIONAL 5,000 MANDATORY SPECIAL
3 ASSESSMENT MUST BE IMPOSED.

4 WITH RESPECT TO POSSESSION OF CHILD
5 PORNOGRAPHY, THAT IS COUNT 6 IN CASE NUMBER 311, BECAUSE
6 THE IMAGES IN YOUR COLLECTION DEPICT CHILDREN UNDER THE
7 AGE OF 12, THE MAXIMUM PENALTY IS ELEVATED TO 20 YEARS
8 INCARCERATION. THE OTHER PENALTIES REMAIN THE SAME,
9 MINIMUM OF 5 YEAR TERM UP TO A LIFETIME OF SUPERVISED
10 RELEASE, A \$250,000 FINE, MANDATORY RESTITUTION, A \$100
11 SPECIAL ASSESSMENT, AND IF FOUND TO BE INDIGENT, AN
12 ADDITIONAL MANDATORY \$5,000 SPECIAL ASSESSMENT.

13 SO THEREFORE, LOOKING AT THE TOTAL
14 MAXIMUM PENALTY IN THIS MATTER, IT IS 200 YEARS
15 INCARCERATION WITH A 15-YEAR MANDATORY MINIMUM SENTENCE,
16 A MINIMUM FIVE-YEAR TERM UP TO A LIFETIME OF SUPERVISED
17 RELEASE, A \$1,750,000 FINE, MANDATORY RESTITUTION,
18 FORFEITURE, A \$700 SPECIAL ASSESSMENT, AND IF YOU ARE
19 FOUND TO BE INDIGENT, AN ADDITIONAL MANDATORY 35,000
20 SPECIAL ASSESSMENT -- SORRY, IF YOU WERE FOUND TO BE
21 NON-INDIGENT, AN ADDITIONAL MANDATORY 35,000 SPECIAL
22 ASSESSMENT MUST BE IMPOSED.

23 SO TURNING NOW TO THE ACTUAL CALCULATION.
24 THE SENTENCING GUIDELINES THAT I USE ARE THOSE IN EFFECT
25 NOVEMBER THE 1ST, 2018. DO THE PARTIES AGREE THAT THAT

1 IS THE CASE?

2 MR. GIBSON: YES, YOUR HONOR.

3 MS. YOUNG: YES, YOUR HONOR.

4 THE COURT: OKAY. WITH RESPECT TO
5 GROUPING, THERE ARE SIX GROUPS, MANUFACTURING OF CHILD
6 PORNOGRAPHY OF MINOR 1, THAT'S COUNT GROUP 1. GROUP 2,
7 WHICH IS MANUFACTURING OF CHILD PORNOGRAPHY OF MINOR
8 NUMBER 1. AND THE SAME IN 2 -- WELL, SORRY, GROUP 3 IS
9 MANUFACTURING OF CHILD PORNOGRAPHY WITH MINOR 1. GROUP
10 4 IS POSSESSION OF CHILD PORNOGRAPHY, AND GROUP 5 IS
11 MANUFACTURING OF CHILD PORNOGRAPHY.

12 NOW, I DO HAVE TO GO TO THE GREATER OF
13 THE ADJUSTED OFFENSE LEVELS. SO DO THE PARTIES THINK
14 THAT I SHOULD GO THROUGH THE ENTIRE GROUPING, OR IS IT
15 APPROPRIATE TO JUST FOCUS IN ON THE GROUP THAT WILL
16 ACTUALLY BE INVOLVED IN THE CALCULATION?

17 MS. YOUNG: I AM FINE WITH THE LATTER,
18 YOUR HONOR.

19 THE COURT: OKAY. GOVERNMENT, ANY
20 OBJECTION?

21 MR. GIBSON: I DON'T BELIEVE SO, JUDGE.

22 THE COURT: SO I TURN TO GROUP 5,
23 MANUFACTURING OF CHILD PORNOGRAPHY OF MINOR NUMBER 2,
24 WHICH IS COUNT 1 OF CRIMINAL ACTION NUMBER 20-153. THE
25 BASE OFFENSE LEVEL IN THIS PARTICULAR CHARGE FOR

1 VIOLATION OF 18 U.S.C. 2251(A) IS FOUND IN SENTENCING
2 GUIDELINE 2G2.1, AND THAT OFFENSE LEVEL IS 32.

3 BECAUSE MINOR NUMBER 2 WAS SIX MONTHS OLD
4 WHEN THE DEFENDANT SEXUALLY EXPLOITED HIM, THE OFFENSE
5 LEVEL INCREASES BY FOUR LEVELS, PURSUANT TO SENTENCING
6 GUIDELINE 2G2.1(B)(1).

7 THERE'S ANOTHER TWO POINT ADDITION,
8 BECAUSE THE OFFENSE INVOLVED A SEXUAL ACT, AN ADULT
9 PENIS IS SEEN BEING INSERTED INTO MINOR NUMBER 2'S
10 MOUTH. AND THE DEFENDANT IS COAXING THE BABY TO SUCK ON
11 THE PENIS, AND REASSURING THE BABY BY REPEATEDLY SAYING
12 TO HIM, THAT'S A GOOD BOY, WHILE THE PENIS IS IN THE
13 BABY'S MOUTH. THAT TWO POINT INCREASE IS PURSUANT TO
14 2G2.1(B)(2).

15 THERE'S AN ADDITIONAL FOUR POINT
16 INCREASE, BECAUSE THE OFFENSE INVOLVED MATERIAL THAT
17 PORTRAYS AN INFANT OR A TODDLER. MINOR NUMBER 2 WAS SIX
18 MONTHS OLD AT THE TIME OF THE VIDEO, AND THAT INCREASES
19 PURSUANT TO 2G2.1(B)(4)(B). AND BECAUSE THE DEFENDANT
20 IS MINOR NUMBER 2'S GRANDFATHER, SOON AFTER MINOR NUMBER
21 TWO'S BIRTH, THE DEFENDANT WOULD COME TO MINOR TWO'S
22 HOUSE TO BABYSIT AND WOULD OCCASIONALLY SPEND THE NIGHT.
23 THEREFORE, THE OFFENSE LEVEL INCREASES BY TWO LEVELS.
24 THAT TAKES US TO AN ADJUST ED OFFENSE LEVEL OF 44.

25 UNITS ARE ASSIGNED PURSUANT TO 3D1.4(A),

1 (B) AND (C) WITH RESPECT TO MULTIPLE COUNT ADJUSTMENTS.
2 WITH GROUP 4, THERE IS A 1 UNIT ADJUSTMENT. SINCE THE
3 NUMBER OF -- WELL, SORRY. THERE'S A TOTAL NUMBER OF
4 UNITS OF 4.5. AND I USE THAT TOTAL NUMBER OF 4.5 IN
5 CONNECTION WITH THE CALCULATION OF THE ADJUSTED OFFENSE
6 LEVEL FOR GROUP NUMBER FIVE. AND SINCE THE NUMBER OF
7 UNITS IS BETWEEN THREE-AND-A-HALF AND FIVE, THE OFFENSE
8 LEVEL IS INCREASED BY FOUR LEVELS, PURSUANT TO
9 SENTENCING GUIDELINE 3D1.4.

10 THAT MEANS THE COMBINED ADJUSTED OFFENSE
11 LEVEL IS DETERMINED BY TAKING THE OFFENSE LEVEL
12 APPLICABLE TO THE GROUP WITH THE HIGHEST OFFENSE LEVEL,
13 THAT IS GROUP 5, AND INCREASING THE OFFENSE LEVEL BY THE
14 AMOUNT IN TABLE 3D1.4, WHICH TAKES US TO 48.

15 THERE IS ALSO A CHAPTER FOUR ENHANCEMENT.
16 THE DEFENDANT ENGAGED IN A PATTERN OF ACTIVITY INVOLVING
17 PROHIBITED SEXUAL CONDUCT. HE WAS PERSONALLY INVOLVED
18 IN A SERIES OF FELONY VIOLATIONS OF CHAPTER 110 AND 117
19 OF THE UNITED STATES CODE. THEREFORE, HE IS A REPEAT
20 AND DANGEROUS SEX OFFENDER AGAINST MINORS.

21 SINCE THE OFFENSES OF CONVICTIONS ARE
22 COVERED SEX CRIMES AND NEITHER 4B1.1, CAREER OFFENDER,
23 NOR SUBSECTION A OF 4B1.5 APPLIES, THE OFFENSE LEVEL
24 SHALL BE FIVE, PLUS THE OFFENSE LEVEL DETERMINED UNDER
25 CHAPTERS 2 AND 3. IN THIS CASE, THE APPLICABLE OFFENSE

1 LEVEL IS 53.

2 BECAUSE THE DEFENDANT HAS CLEARLY
3 DEMONSTRATED ACCEPTANCE OF RESPONSIBILITY FOR THE
4 OFFENSE, THE OFFENSE LEVEL IS DECREASED BY TWO. I ALSO
5 SEE IN THE PSR A FURTHER DECREASE OF ONE POINT BECAUSE
6 THE DEFENDANT HAS ASSISTED AUTHORITIES IN THE
7 INVESTIGATION OR PROSECUTION OF THE DEFENDANT'S OWN
8 MISCONDUCTS BY TIMELY NOTIFYING THE AUTHORITIES OF THE
9 INTENTION TO ENTER A PLEA OF GUILTY, THAT MINUS ONE
10 POINT CAN ONLY BE TAKEN OFF BY THE MOTION OF THE
11 GOVERNMENT. I AM ASSUMING THAT THE GOVERNMENT DOES MAKE
12 THIS MOTION BECAUSE THEY HAVE NOT OBJECTED TO IT IN THE
13 REPORT?

14 MR. GIBSON: THAT'S CORRECT, YOUR HONOR.

15 THE COURT: SO THAT IS ANOTHER POINT
16 REDUCTION, WHICH TAKES US TO A TOTAL OFFENSE LEVEL OF
17 50.

TURNING NOW TO THE DEFENDANT'S CRIMINAL
HISTORY. THERE ARE NO JUVENILE ADJUDICATIONS, NO ADULT
CRIMINAL CONVICTIONS. THEREFORE, THE CRIMINAL
CONVICTIONS RESULT IN A SUBTOTAL CRIMINAL HISTORY SCORE
OF ZERO. THE TOTAL CRIMINAL HISTORY SCORE BEING ZERO
EQUATES TO A CRIMINAL HISTORY CATEGORY OF ONE IN THE
GUIDELINES.

25 PURSUANT TO A TOTAL OFFENSE LEVEL OF 50

1 AND A CRIMINAL HISTORY CATEGORY OF ONE, THE UNITED
2 STATES SENTENCING GUIDELINES CHART PROVIDES A MAXIMUM
3 SENTENCE OF 2,400 MONTHS OR 200 YEARS.

4 DO THE PARTIES AGREE THAT THAT IS, IN
5 FACT, THE CORRECT CALCULATION?

6 MR. GIBSON: YES, YOUR HONOR.

7 MS. YOUNG: YES, YOUR HONOR.

8 THE COURT: ANY DEPARTURES?

9 MS. YOUNG: NO, YOUR HONOR.

10 MR. GIBSON: NO, YOUR HONOR.

11 THE COURT: MR. ZWEITZIG, I HAVE TOLD YOU
12 THAT I WAS GOING TO TELL YOU ABOUT THE 3553(A) FACTORS
13 FIRST BEFORE I EVALUATE THOSE FACTORS. SO NOW THAT IS
14 WHAT I WILL DO. NO ONE FACTOR, INCLUDING THE SENTENCING
15 GUIDELINES RECOMMENDATION, IS DETERMINATIVE. THE
16 MAXIMUM SENTENCE THAT CAN BE IMPOSED IS THAT PROVIDED
17 FOR BY CONGRESS IN THE UNITED STATES CODE. THE SENTENCE
18 MUST REFLECT THE SERIOUSNESS OF THE OFFENSE, PROMOTE
19 RESPECT FOR THE LAW, AND PROVIDE JUST PUNISHMENT FOR THE
20 OFFENSE. IT MUST AFFORD ADEQUATE DETERRENCE TO
21 CRIMINALS. IT MUST PROTECT THE PUBLIC FROM FURTHER
22 CRIMES OF THE DEFENDANT, AND IT MUST PROVIDE THE
23 DEFENDANT WITH NEEDED EDUCATION, MEDICAL TRAINING,
24 MEDICAL CARE, TREATMENT, ET CETERA.

25 IN ADDITION, IN IMPOSING THIS SENTENCE, I

1 MUST CONSIDER THE SENTENCING GUIDELINE RANGE AND ANY
2 PERTINENT POLICY STATEMENTS MADE BY THE SENTENCING
3 COMMISSION. I MUST CONSIDER THE NATURE AND
4 CIRCUMSTANCES OF THE OFFENSE AND THE HISTORY AND
5 CHARACTERISTICS OF THE DEFENDANT. I MUST CONSIDER THE
6 KINDS OF SENTENCES AVAILABLE, THE NEED TO AVOID
7 UNNECESSARY SENTENCING DISPARITIES, AND ALSO THE NEED TO
8 PROVIDE RESTITUTION TO VICTIMS. I MUST TAKE INTO
9 ACCOUNT THE FACTORS IN 3553(A), AND IMPOSE A SENTENCE
10 THAT IS SUFFICIENT BUT NOT GREATER THAN NECESSARY TO
11 COMPLY WITH THE ELEMENTS IN SECTION 3553(A)(2).

12 WHAT I WOULD LIKE TO DO NOW IS TO
13 RECOGNIZE DEFENSE COUNSEL FOR REMARKS ON BEHALF OF
14 DEFENDANT.

15 MS. YOUNG: THANK YOU, YOUR HONOR.

16 I THINK THAT THE BEST WAY TO START THIS
17 IS JUST BY RECOGNIZING THAT ESSENTIALLY YOUR HONOR IS IN
18 A POSITION, BECAUSE OF MR. ZWEITZIG'S AGE AND LIFE
19 EXPECTANCY, REALLY BETWEEN TWO THINGS. IT'S EITHER A
20 SENTENCE THAT IN ALL LIKELIHOOD WOULD STILL RESULT IN
21 HIM DYING IN PRISON THAT YOUR HONOR IS REQUIRED TO
22 IMPOSE, WHICH IS THE 15 YEAR MANDATORY MINIMUM, OR
23 ANYTHING ELSE WHICH HAS THE -- THAT CERTAIN EFFECT. AND
24 I AM ASKING YOUR HONOR TO IMPOSE AT OR NEAR THE
25 MANDATORY MINIMUM SENTENCE IN LIGHT OF MR. ZWEITZIG'S

1 AGE AND LIFE EXPECTANCY.

2 AND I KNOW THAT I DETAILED IN MY
3 SENTENCING MEMORANDUM A LOT ABOUT SORT OF AVERAGE LIFE
4 EXPECTANCY. IN THIS CASE, MR. ZWEITZIG IS 72 YEARS OLD.
5 IF YOUR HONOR IMPOSES THE MANDATORY MINIMUM SENTENCE OR
6 CLOSE TO IT, HE WILL BE IN HIS MID-80S BEFORE HE IS ABLE
7 TO BE RELEASED, WHICH IS BEYOND THE AVERAGE AGE, WHICH I
8 BELIEVE IS ABOUT 76 YEARS OLD OF LIFE EXPECTANCY FOR A
9 MAN OF HIS DEMOGRAPHIC. AND IT'S -- YOU KNOW, THAT IS
10 REALLY -- THAT IS THE DECISION THAT THE COURT HAS TO
11 MAKE. I MEAN, WHEN WE REALLY BOIL IT DOWN, THAT'S THE
12 DECISION THAT YOUR HONOR IS MAKING.

13 SO I THINK WHEN YOUR HONOR GOES THROUGH
14 THE STATUTORY FACTORS, THE 3553 FACTORS, IT IS NECESSARY
15 THAT THE COURT LOOK AT EACH ONE OF THOSE FACTORS THROUGH
16 THAT LENS, THROUGH THE LENS OF HOW OLD HE IS AND HOW
17 LONG HE IS EXPECTED TO LIVE. BECAUSE AS YOUR HONOR IS
18 CERTAINLY WELL AWARE, SENTENCING IS AN INDIVIDUALIZED
19 PROCESS. AND I THINK IN MR. ZWEITZIG'S CASE, THE
20 LARGEST FACTOR WITH RESPECT TO MITIGATION IS HIS AGE AND
21 LIFE EXPECTANCY.

22 IN GOING THROUGH THOSE FACTORS, IT'S --
23 OBVIOUSLY THIS IS, YOU KNOW, AN INCREDIBLY SERIOUS CASE,
24 ONE OF THE MOST SERIOUS CERTAINLY THAT I HAVE EVER
25 HANDLED. AND 15 YEARS BEING A SENTENCE THAT COULD, AND

1 IN ALL LIKELIHOOD WILL BE, AN EFFECTIVE LIFE SENTENCE
2 FOR HIM, AND THEREFORE, I THINK ENOUGH IN, YOU KNOW,
3 ACKNOWLEDGING HOW SERIOUS IT IS.

4 IF IN THE EVENT THAT HE IS ABLE TO GET
5 OUT AFTER 15 YEARS, LIKE I SAID, HE WOULD BE PROBABLY
6 ABOUT IN HIS MID-80S. ALSO TO CONSIDER IS THE FACT THAT
7 THE STATE CHARGES ARE STILL OPEN, AND HE WILL STILL BE
8 PROSECUTED BY -- I THINK IT'S MONTGOMERY COUNTY IN
9 PENNSYLVANIA. AND WHATEVER SENTENCE HE WOULD RECEIVE
10 THERE WOULD RUN CONSECUTIVE TO THIS FEDERAL ONE. SO
11 EVEN IF YOUR HONOR IMPOSES THE REQUESTED SENTENCE, HE IS
12 LOOKING AT ADDITIONAL TIME.

13 THE AGE AT WHICH HE WOULD THEN GET OUT IS
14 AN AGE WHERE HE, I THINK WE CAN ALL AGREE, WOULD BE VERY
15 LIKELY TO BE PHYSICALLY INCAPACITATED. BUT ALSO, IT
16 WOULD BE AFTER A SIGNIFICANT PERIOD OF TIME WHERE HE
17 WOULD HAVE, YOU KNOW, ACCESS TO SEX OFFENDER TREATMENT
18 THROUGH THE BOP, AND CERTAINLY A LENGTHY AMOUNT OF TIME
19 TO, YOU KNOW, REFLECT, AND CERTAINLY HOPEFULLY GET TO A
20 PLACE WHERE THIS WOULD NOT BE SOMETHING THAT COULD
21 HAPPEN AGAIN, LET ALONE THAT HE WOULD BE INCLINED TO DO
22 AGAIN.

23 BUT IN ADDITION TO THAT, YOUR HONOR, YOU
24 HAVE THE ABILITY AND SHOULD IMPOSE A SIGNIFICANT PERIOD
25 OF SUPERVISED RELEASE. AND WE ARE ALSO IN A POSITION

1 WHERE HE WOULD BE A LIFETIME SEX OFFENDER REGISTRANT,
2 WHICH IS AN EXTREMELY, YOU KNOW, STRICT PROCESS. AND SO
3 EVEN -- YOU KNOW, IN THE EVENT THAT HE IS RELEASED, HE
4 WOULD HAVE ALL OF THOSE CONDITIONS AND ALL OF THOSE
5 REQUIREMENTS, AND YOUR HONOR WOULD HAVE ALL OF THOSE
6 ABILITIES TO, YOU KNOW, BE ABLE TO KNOW EXACTLY WHAT HE
7 IS DOING AT ALL TIMES, WHICH OBVIOUSLY INCLUDES NOT
8 HAVING ACCESS TO MINORS OR THE INTERNET OR COMPUTERS.

9 AGAIN, LOOKING THROUGH THIS LENS OF HOW
10 OLD HE IS AND HIS LIKELY LIFE EXPECTANCY, IF WE ARE
11 TALKING ABOUT A SENTENCE THAT -- I THINK WE CAN ALL
12 AGREE EVEN WITH THE MANDATORY MINIMUM SENTENCE, IT IS
13 UNLIKELY THAT HE WILL MAKE IT TO HIS RELEASE. IN LIGHT
14 OF EVERYTHING THAT I HAVE JUST SAID, THAT SENTENCE, THE
15 MANDATORY MINIMUM SENTENCE, WOULD REFLECT THE
16 SERIOUSNESS OF THE OFFENSE, PROMOTING RESPECT FOR THE
17 LAW AND PUNISH HIM, BECAUSE WE ARE AGAIN TALKING ABOUT A
18 SENTENCE THAT IS UNLIKELY WITH HIM TO BE ABLE TO GET OUT
19 OF PRISON. SO, I MEAN, FROM MY PERSPECTIVE, IT JUST
20 DOES NOT -- ANY ADDITIONAL AMOUNT, THIS EXTREME AMOUNT
21 THAT THE GOVERNMENT IS ASKING FOR, JUST DOES NOT REALLY
22 MAKE SENSE. IN A LOT OF WAYS TO ME IT'S JUST VERY
23 ARBITRARY.

24 AND WITH RESPECT TO DETERRENCE, YOUR
25 HONOR, YOU KNOW, I HAVE COVERED WHAT WILL BE AVAILABLE

1 FOR SPECIFIC DETERRENCE. AND I KNOW THE GOVERNMENT, YOU
2 KNOW, FOCUSES A LOT ON GENERAL DETERRENCE, AND THAT'S
3 WHY I INCLUDED IT IN MY SENTENCING MEMORANDUM THAT THERE
4 IS JUST REALLY NO EVIDENCE THAT REGARDLESS OF THE
5 SENTENCE THAT YOUR HONOR IMPOSES IN THIS CASE, THAT THAT
6 WOULD AFFECT SOME OTHER INDIVIDUAL'S LIKELIHOOD OF
7 COMMITTING THE SAME OR SIMILAR OFFENSE. I INCLUDED THE
8 SENTENCING COMMISSION STUDY ON THAT IN MY SENTENCING
9 MEMORANDUM. YOU KNOW, IT'S EVIDENCE-BASED, AND I KNOW
10 THAT THAT COULD BE ONE OF THE LARGER THINGS THAT YOUR
11 HONOR LOOKS AT, BUT IT SHOULD NOT BE FOR THAT REASON
12 WHEN IT COMES TO THESE FACTORS.

13 I ALSO INCLUDED, AND I AM NOT GOING TO GO
14 THROUGH THE SPECIFIC FACTS OF EACH ONE, BUT I INCLUDED
15 THE SENTENCING CHART, THE CHART THAT I INCLUDED AS
16 EXHIBIT A IN MY SENTENCING MEMORANDUM, MAINLY TO POINT
17 OUT THAT -- NOT ALL OF THOSE CASES, BY ANY MEANS, BUT A
18 NUMBER OF THOSE CASES HAVE SIMILAR FACTS, SIMILAR FACTS
19 IN THAT THEY INCLUDE PHYSICAL CONTACT WITH MINORS,
20 MULTIPLE MINORS AND/OR ON MULTIPLE OCCASIONS, WHERE THE
21 SENTENCES THAT WERE IMPOSED WERE NOTHING CLOSE TO
22 200 YEARS. AND THAT'S ONE OF THE THINGS, OBVIOUSLY,
23 THAT YOUR HONOR IS SUPPOSED TO CONSIDER IN TERMS OF WHAT
24 HAVE SIMILARLY SITUATED DEFENDANTS BEEN SENTENCED TO,
25 AND THERE IS NOTHING LIKE THAT IN THERE.

1 I THINK THE MOST IMPORTANT THING, THOUGH,
2 IN THIS CASE IS, YOU KNOW, WE ARE IN A SITUATION WHERE
3 THE GUIDELINES CALL FOR LIFE. YOUR HONOR CAN'T IMPOSE
4 EXACTLY THAT, BUT YOU CAN EFFECTIVELY BECAUSE OF THE
5 STATUTORY MAXIMUM. AND THERE ARE TWO SORT OF THINGS TO
6 CONSIDER, ONE I THINK IS MUCH MORE IMPORTANT THAN THE
7 OTHER IN THIS PARTICULAR CASE. WHEN YOU HAVE A PERSON
8 WHO IS IN THIS SITUATION, WHO TAKES RESPONSIBILITY FROM
9 THE VERY BEGINNING, AS EARLY, FRANKLY, AS HE POSSIBLY
10 COULD. I WOULD SAY THAT THE ATTORNEY FROM MY OFFICE WHO
11 REPRESENTED HIM, I SPOKE TO HIM -- WHO REPRESENTED HIM
12 AT HIS INITIAL APPEARANCE. MR. ZWEITZIG WAS READY TO
13 PLEAD GUILTY THEN. OBVIOUSLY HE COULD NOT, AND
14 OBVIOUSLY WE NEEDED TO HAVE THE TIME TO REVIEW THIS CASE
15 AND ALL OF THAT, BUT HE HAS NEVER, EVER, EVER IN THIS
16 CASE ONCE CONSIDERED OR ENTERTAINED THE IDEA OF TAKING
17 THIS CASE TO TRIAL.

18 THE TWO THINGS THAT I AM TALKING ABOUT
19 THAT I THINK ARE IMPORTANT IN LOOKING AT THAT ARE HE HAS
20 SAVED A LOT OF RESOURCES FROM THE COURT, THE GOVERNMENT,
21 ESPECIALLY, YOU KNOW, DURING A PANDEMIC WHERE IT HAS
22 BECOME VERY HARD TO GET JURORS TO COME IN.

23 SO THAT'S ONE THING TO CONSIDER, BUT MORE
24 IMPORTANTLY, YOU KNOW, IF WE ARE -- YOU HAVE TO BE --
25 YOU HAVE TO GIVE SOME CREDIT, THERE HAS TO BE CREDIT

1 GIVEN TO A PERSON WHO IS SITTING IN HIS POSITION,
2 DESPITE THE EXTREMELY SERIOUS NATURE OF THE CHARGES,
3 DESPITE THE OVERWHELMING EVIDENCE, THERE HAS TO BE SOME
4 CREDIT GIVEN FOR TAKING RESPONSIBILITY, BOTH ACTUALLY
5 AND ALSO BY WAY OF A GUILTY PLEA. AND I SAY
6 SPECIFICALLY TO THIS CASE BECAUSE WHAT HE HAS SAVED --
7 AND I'M NOT STANDING HERE, YOU KNOW, TRYING TO SAY THAT
8 HE SHOULD GET SOME KIND OF MEDAL OR ANYTHING LIKE THAT.
9 I AM SAYING HE SHOULD GET SOME KIND OF CREDIT FOR THIS.
10 BECAUSE WHAT HE HAS PREVENTED IN DOING THIS IS
11 RE-TRAUMATIZING THE VICTIMS IN THIS CASE, HAVING TO GET
12 UP IN FRONT OF 14 PEOPLE OR MORE, THIS ENTIRE COURT,
13 AND, YOU KNOW, TALK ABOUT EVERYTHING THAT HAPPENED TO
14 THEM. AND I KNOW THAT ONE OF THE -- ONE OF THE THINGS
15 THAT THE GOVERNMENT SORT OF FOCUSES ON IN ITS MEMORANDUM
16 IS THERE IS ALL THIS, YOU KNOW, EVIDENCE THAT HE HAS NO
17 EMPATHY, THAT HE DOES NOT CARE, THAT HE HAS SORT OF
18 RATIONALIZED TO HIMSELF WHAT HE DID.

19 IT IS VERY CLEAR FROM EVERYTHING WE KNOW
20 ABOUT THIS CASE, FROM STATEMENTS THAT HE MADE THROUGHOUT
21 THE COURSE OF IT, THAT FOR MANY, MANY, MANY YEARS, I
22 THINK HE RATIONALIZED IT. I NOTED IN MY SENTENCING
23 MEMORANDUM -- AND AGAIN, TO BE CLEAR, I AM NOT MAKING
24 EXCUSES FOR HIM, BUT I THINK A LOT OF HOW THAT
25 RATIONALIZATION WAS ABLE TO HAPPEN STEMS FROM HIS

1 UPBRINGING, STEMS FROM COMING UP IN A HOUSEHOLD AND THEN
2 ULTIMATELY BECOMING A PASTOR. AND BEING A PASTOR TO A
3 VERY CONSERVATIVE CHURCH THAT DOES NOT REALLY -- WHEN
4 CONFRONTED WITH, FOR LACK OF A BETTER WORD, DEMONS, FOR
5 EXAMPLE, CHILD PORNOGRAPHY ADDICTION, FEELINGS TOWARD
6 CHILDREN, THAT, YOU KNOW, IT WASN'T AN ENVIRONMENT WHERE
7 HE COULD -- OR WHERE I THINK HE FELT LIKE IT WAS SO EASY
8 TO DO ANYTHING ABOUT IT. AGAIN, NOT MAKING EXCUSES. HE
9 COULD HAVE, BUT MY POINT SIMPLY IS THAT I THINK THERE
10 ARE ENVIRONMENTAL FACTORS AT PLAY THAT GOT US HERE, AND
11 I THINK THAT'S IMPORTANT TO ACKNOWLEDGE. BUT I THINK
12 THE MOST IMPORTANT THING TO SAY ABOUT THAT IS DESPITE
13 THE FACT THAT FOR YEARS HE RATIONALIZED IT AND DIDN'T
14 THINK IT WAS AS BAD AS IT ABSOLUTELY IS, HE CAME TO, ON
15 HIS OWN, VERY MUCH, A CLEAR REALIZATION WHAT IT WOULD DO
16 TO THE VICTIMS IF HE WERE TO CHALLENGE ANY ASPECT OF HIS
17 CASE AND GO TO TRIAL.

18 AND I KNOW THAT A LOT OF THE TIMES WHAT
19 THE GOVERNMENT WILL SAY IS THE EVIDENCE WAS
20 OVERWHELMING, WHAT ELSE WAS HE GOING TO DO. I KNOW THAT
21 I AM NOT THE ONLY ONE WHO HAS HAD TRIALS WHERE IT -- THE
22 EVIDENCE WAS OVERWHELMING, AND DESPITE THAT, DEFENDANTS
23 GO TO TRIAL. IT HAPPENS. THAT DOES NOT MATTER. THE
24 POINT IS THAT FOR SOMEONE WHO HAD THAT PROBLEMATIC -- OR
25 SOME BETTER WORD -- WAY OF THINKING FOR SO MANY YEARS TO

1 THEN SWITCH GEARS AND AT LEAST BE ABLE TO SAY, THIS WILL
2 BE EXTREMELY HARMFUL TO THE VICTIMS INVOLVED IN THIS
3 CASE. AND OPTING -- KNOWING THAT IT'S NOT GOING TO
4 CHANGE THE GUIDELINES WHETHER HE PLED OR WENT TO TRIAL,
5 THE GUIDELINES REMAIN THE SAME FOR HIM. HE HAS TO BE
6 GIVEN SOME KIND OF CREDIT FOR THAT.

7 AND SO IN LIGHT OF ALL OF THAT, YOUR
8 HONOR, YOU KNOW, IT JUST -- TO ME, THE MANDATORY MINIMUM
9 IN THIS CASE IS WHAT MAKES THE MOST SENSE, BECAUSE I
10 THINK IT IS GOING TO HAVE THE SAME EFFECT ANYWAY.

11 THE COURT: OKAY. I WILL HEAR FROM THE
12 DEFENDANT, IF YOU WISH TO SPEAK TO ME ON YOUR OWN
13 BEHALF.

14 MR. GIBSON: MAY I INQUIRE? DID YOU WANT
15 TO HEAR FROM THE VICTIMS FIRST, OR DID YOU WANT TO HEAR
16 FROM MR. ZWEITZIG?

17 THE COURT: WELL, I WILL HEAR FROM HIM
18 AND THEN I WILL GO TO YOU AND THEN YOU CAN --

19 MR. GIBSON: OKAY, UNDERSTOOD.

20 THE COURT: YOU CAN PUT YOUR PEOPLE ON.

21 MR. GIBSON: I APOLOGIZE, THANK YOU.

22 THE DEFENDANT: I WROTE THIS OUT, YOUR
23 HONOR, SO THAT I WOULD NOT MISSPEAK MYSELF.

24 YOUR HONOR, WHEN I SPEAK FROM THE HEART,
25 IT COMES OUT IN RELIGIOUS LANGUAGE. I HAVE SINNED

1 AGAINST GOD. I HAVE SINNED AGAINST GRACE AND DONE SUCH
2 DAMAGE TO HER LIFE, AND I HAVE SINNED AGAINST MY WIFE.
3 I HAVE SINNED AGAINST MY FAMILY. I HAVE SINNED AGAINST
4 MY FORMER PARISHIONERS WHO LOOKED TO ME AS A TEACHER OF
5 EXAMPLE. I SINNED AGAINST THE PEOPLE OF THE UNITED
6 STATES IN BREAKING A FEDERAL LAW. I HAVE SINNED AGAINST
7 THE CHURCH UNIVERSAL, PROVIDING SOME AT LEAST WITH A
8 LEGITIMATE OPPORTUNITY TO SAY, THERE'S ANOTHER ONE OF
9 THOSE CHRISTIAN HYPOCRITES: DO AS I SAY, NOT AS I DO.

10 THE ENORMITY OF THE CONSEQUENCES OF MY
11 BEHAVIOR IS SIMPLY STAGGERING, AND I HAVE HURT SO MANY
12 PEOPLE. I HAVE TOTALLY HUMILIATED MYSELF AND UTTERLY
13 RUINED MY REPUTATION, AND I AM SO DEEPLY ASHAMED OF WHAT
14 I HAVE DONE. HOW CAN I EXPRESS MY REGRET? THE ENGLISH
15 LANGUAGE HAS A PAUCITY OF VOCABULARY FOR SUCH AN ISSUE.
16 I AM SORRY, I AM REALLY SORRY. I AM SO VERY SORRY. I
17 HAVE GREAT REGRET. IT ALL SEEMS ALL CHEAP TO EXPRESS
18 THE SIGNIFICANCE OF THE MATTER. IF I COULD GO BACK AND
19 CHANGE ANY OF MY BEHAVIOR, I SURELY WOULD, BUT I CAN'T.

20 I HEAR THOSE AROUND ME IN JAIL PLANNING
21 HOW THEY WOULD BE SMARTER NEXT TIME, MORE DEVIOUS AND
22 NOT GET CAUGHT AGAIN. I HAVE NO DESIRE TO RETURN TO
23 WHAT I DID BEFORE. I DO NOT BELIEVE THAT LOVE AND
24 HATRED ARE OPPOSITES. THEY ARE BOTH POWERFUL EMOTIONS.
25 THE OPPOSITE OF LOVE I WOULD SAY IS INDIFFERENCE. THE

1 OPPOSITE OF HATRED IS FORGIVENESS. IT IS MY SINCERE
2 DESIRE THAT ALL THOSE THAT I HAVE SO GRIEVOUSLY HURT
3 WILL EITHER REACH A STATE OF FORGIVENESS OR
4 INDIFFERENCE. OTHERWISE, THERE WILL BE AN EMOTIONAL
5 TETHER TO MY PAST SINFUL DEEDS, AND IT WILL BE LIKE
6 DRAGGING BEHIND THEM A BALL AND CHAIN THAT WILL FOLLOW
7 THEM THROUGH THE REST OF THEIR LIVES.

8 THE CORRECTIVE PURPOSE OF MY
9 INCARCERATION HAS BEGUN, BUT I HAVE A LONG WAY TO GO. I
10 KNOW I NEED REAL SEX OFFENDER TREATMENT. I NEVER WANT
11 TO RETURN TO MY FORMER BEHAVIOR.

12 I CAN'T SAY MUCH ABOUT THE PUNITIVE
13 ASPECT, ALL I CAN DO IS BEG THE COURT FOR MERCY. THE
14 QUALITY OF MERCY IS NOT DETERMINED BY THE ONE WHO
15 RECEIVES IT, IT IS DETERMINED BY THE ONE WHO GRANTS IT,
16 WHETHER IT BE MEAN OR GENEROUS. I ACCEPT FULL
17 RESPONSIBILITY FOR MY ACTIONS AND HAVE ENTERED A GUILTY
18 PLEA SO THAT THE TIME OF JURORS AND THE RESOURCES OF THE
19 COURT NOT BE WASTED IN FRIVOLOUS MANEUVERING. I AM
20 72 YEARS OLD, AND ALL I CAN DO IS BEG THAT IN THE NOT
21 TOO DISTANT FUTURE I WILL BE FREE TO DEMONSTRATE THE
22 REALITY OF MY REPENTANCE, AND TO BE ABLE TO BE
23 PROFITABLE TO MY FAMILY AND OTHERS. I FEEL I HAVE MUCH
24 YET TO CONTRIBUTE, BUT I FEAR I WILL HAVE LITTLE TIME
25 LEFT TO MAKE A SIGNIFICANT DIFFERENCE. ALL I CAN DO AT

1 THIS POINT IS TO BEG THE COURT FOR A GENEROUS MERCY, AND
2 PLEDGE MYSELF TO LIVE IN A BETTER MANNER THAN IN THE
3 PAST. THANK YOU, YOUR HONOR.

4 THE COURT: THANK YOU.

5 GOVERNMENT.

6 MR. GIBSON: DO YOU PREFER TO HEAR FROM
7 ME FIRST OR THE VICTIMS, YOUR HONOR?

8 THE COURT: WELL, I CAN EITHER HEAR FROM
9 YOU OR I CAN HEAR FROM THE VICTIMS. GIVEN COVID, I
10 THINK IT'S PROBABLY -- WELL, IF THEY STAND IN THE PEWS,
11 CAN YOU HEAR THEM?

12 THE STENOGRAPHER: YES.

13 THE COURT: SO RATHER THAN COME UP TO THE
14 MICROPHONE, THOSE FOLKS WHO ARE GOING TO SPEAK HERE
15 TODAY SHOULD JUST RISE.

16 MR. GIBSON: THERE'S A MICROPHONE RIGHT
17 HERE, JUDGE.

18 THE COURT: OKAY, THAT'S FINE, THEN.
19 THEY CAN GET TO THAT.

20 MR. GIBSON: AND YOUR HONOR, I UNDERSTAND
21 THERE WAS TECHNICAL DIFFICULTIES CONCERNING MS. MORAN IN
22 CHICAGO. WE HAD DISCUSSED THE WORKAROUND WITH YOUR
23 STAFF WHEN YOU ARE READY TO --

24 THE COURT: THE PRESENTATION IS YOURS,
25 YOU DO IT IN THE MANNER THAT YOU WISH TO DO IT.

1 MR. GIBSON: THEN IF WE COULD START WITH
2 THE FOLKS WHO ARE HERE AND THEN CALL MS. MORAN.

3 THE COURT: OKAY.

4 MS. SNOOK: FIRST, YOUR HONOR, I WANT TO
5 THANK YOU FOR THE OPPORTUNITY TO SPEAK. PLEASE
6 UNDERSTAND THAT MY TEARS ARE PURELY OUT OF ANGER, GRIEF
7 AND SADNESS.

8 THE COURT: I'M SORRY, I KNOW -- I THINK
9 IT'S OKAY IF YOU TAKE OFF YOUR MASK BECAUSE YOU -- THERE
10 IS SIX FEET AROUND YOU. I CAN JUST NOT HEAR YOU, AND I
11 WANT TO HEAR YOUR WORDS.

12 MS. SNOOK: OKAY. FIRST, YOUR HONOR, I
13 WOULD LIKE TO THANK YOU FOR THIS OPPORTUNITY TO SPEAK.
14 PLEASE UNDERSTAND MY TEARS ARE PURELY OUT OF ANGER,
15 GRIEF, SADNESS FOR MY FAMILY. MY NAME IS CHERYL
16 ZWEITZIG SNOOK, AND I AM THE DAUGHTER OF THE DEFENDANT.

17 I WANT TO TELL YOU THAT THIS HAS
18 DEFINITELY BEEN GOING ON LONGER THAN THE 16 YEARS OF THE
19 DEFENDANT. NUMBER ONE -- AND I KNOW THIS BECAUSE
20 37 YEARS AGO, THE ONE NIGHT I HAD SOME INSOMNIA AND I
21 WALKED INTO A ROOM WHEN HE WAS WATCHING A SOFT PORN
22 MOVIE WITH WOMEN IN VARIED STATES OF UNDRRESS. AND IT
23 WAS TOTALLY INAPPROPRIATE FOR A YOUNG TEEN TO BE
24 VIEWING. BUT DID HE TURN IT OFF, NO. INSTEAD, HE
25 INVITED ME TO SIT ON THE COUCH WITH HIM, AND WE SAT IN

1 SILENCE AND WATCHED IT. I WAS FROZEN IN SHOCK. I HAD
2 NO IDEA HOW TO REACT, HOW HE WOULD REACT IF I MOVED. I
3 REMEMBER BEING SO SCARED AND SHOCKED.

4 34 YEARS AGO, HE TOLD ME THAT MY MOTHER
5 SUGGESTED HE GIVE ME A MASSAGE. HE TOOK ME INTO MY
6 PARENTS' BEDROOM, HAD ME UNDRESS TO MY PANTIES AND
7 PROCEEDED TO GIVE ME A FULL BODY MASSAGE. THERE WAS NO
8 SHEET COVERING, LIKE WHAT YOU DO WHEN YOU GET A MASSAGE
9 AT A PARLOR NOW.

10 WHILE I WAS LAYING ON MY STOMACH, THE
11 MASSAGE WAS WEIRD, BUT WHEN HE TOLD ME TO ROLL OVER ON
12 MY BACK, I DID. BUT AGAIN, I WAS FROZEN AND SCARED,
13 SCREAMING IN MY HEAD BUT UNABLE TO MOVE, AND I JUST SHUT
14 MY EYES. THIS HAS BEEN GOING ON FOR A VERY LONG TIME,
15 JUDGE, MUCH LONGER THAN WHAT YOU HAVE THE EVIDENCE
16 ABOUT.

17 I KNOW HE IS 72, BUT I THINK THAT FOR MY
18 FAMILY AND SOCIETY'S BEST INTEREST, HE IS NOT ABLE TO BE
19 RELEASED. HE DID NOT ORIGINALLY COME BACK WITH THE
20 GUILT. WHEN VICTIM NUMBER ONE ORIGINALLY MADE THE
21 ACCUSATION, HE DENIED IT. IT WASN'T UNTIL THERE WAS
22 ACTUAL PROOF THAT HE COULD NOT DENY DID HE START
23 ADMITTING ANYTHING.

24 HE IS MANIPULATIVE. HE HAS GASLIGHT ED
25 HIS FAMILY OUR WHOLE LIVES. IN HIS LETTER, HE DIDN'T

1 EVEN APOLOGIZE TO ME, EVEN THOUGH I AM A VICTIM. AND I
2 DON'T BELIEVE THAT IT'S GOING TO CHANGE BECAUSE NOW HE
3 HAS ACCESS TO IT IN MUCH EASIER WAYS THAN HE DID
4 37 YEARS AGO. AND I DON'T FEEL THAT THE MINIMUM IS
5 ENOUGH, BECAUSE I JUST DON'T FEEL THAT HE WILL BE THE
6 BEST FOR THE SOCIETY, AND THAT SOCIETY WILL BE SAFE.
7 BECAUSE THIS HAS BEEN GOING ON A VERY, VERY LONG TIME.

8 THE COURT: THANK YOU.

9 MS. SNOOK: THANK YOU.

10 MR. GIBSON: YOUR HONOR, LAUREN ZWEITZIG
11 WOULD LIKE TO SPEAK NEXT.

12 THE COURT: AS YOU LEAVE THE STAND, YOU
13 SHOULD PUT YOUR MASK BACK ON.

14 GO AHEAD.

15 MS. LAUREN ZWEITZIG: NUMBER ONE POP-POP,
16 THAT'S WHAT WAS WRITTEN ON THE HAT JERRY WORE FROM THE
17 TIME GRACE WAS BORN. HE WAS BLESSED WITH THE
18 OPPORTUNITY TO BE JUST THAT, BUT INSTEAD HE CHOSE TO
19 BECOME A PREDATOR. HE BEGAN PREYING ON MY CHILDREN FROM
20 THE TIME THEY WERE INFANTS, AND THE ONLY REASON HE
21 STOPPED WAS BECAUSE GRACE HAD THE COURAGE TO SPEAK UP
22 AND SAY NO MORE. SHE CALLED TO SHARE THE HORRIFYING AND
23 DEVASTATING TRUTH WITH ME WHILE LOCKED IN THE BATHROOM
24 IN HIS HOUSE, A BRAVE MOVE THAT SET IN MOTION THE STRING
25 OF EVENTS WHICH HAS LED US ALL HERE TODAY.

1 JERRY NEVER EXPECTED TO BE HELD
2 ACCOUNTABLE FOR HIS CRIMES AGAINST MY CHILDREN. IN
3 FACT, HE SPENT THE YEARS AFTER GRACE FIRST ACCUSED HIM
4 CONVINCING OTHER FAMILY MEMBERS THAT HIS OWN SON, MY
5 HUSBAND, WAS THE ONE FEEDING GRACE THESE SO-CALLED LIES
6 ABOUT HIM. HE WAS WILLING TO SACRIFICE EVERYTHING AND
7 EVERYONE TO SAVE HIMSELF. AND FOR A WHILE, IT LOOKED
8 LIKE HE SUCCEEDED. YEAR AFTER YEAR HE REMAINED FREE,
9 CELEBRATING HOLIDAYS AND BIRTHDAYS WITH THE FAMILY,
10 TAKING TRIPS TO THE SHORE WITH THE FAMILY, PREACHING TO
11 A CONGREGATION, BABYSITTING HIS OTHER GRANDCHILDREN, ALL
12 WHILE OUR FAMILY CRUMBLED. UNLESS A PERSON HAS WALKED
13 THE JOURNEY WE HAVE WALKED, THEY CAN NOT FULLY
14 APPRECIATE THE IMMENSE PAIN AND SUFFERING CAUSED BY A
15 BETRAYAL OF THIS MAGNITUDE. IT BLEW OUR WORLD APART.

16 ON TOP OF THAT, WE FELT ABANDONED BY SOME
17 OF THE PEOPLE WHO WERE CLOSEST TO US. IT BRINGS TEARS
18 TO MY EYES, PUTS A KNOT IN MY STOMACH, AND HURTS MY
19 HEART DEEPLY EVERY TIME I LOOK BACK ON THE DEVASTATION
20 HIS ACTIONS CAUSED MY PRECIOUS FAMILY.

21 BUT FOR MY FAMILY, TODAY IS ABOUT LOOKING
22 FORWARD, NOT LOOKING BACK. LOOKING FORWARD TO JERRY
23 FINALLY BEING HELD ACCOUNTABLE FOR SOMETHING IN HIS
24 LIFE; LOOKING FORWARD TO HIM GETTING THE MAXIMUM
25 SENTENCE FOR HIS CRIMES AGAINST MY CHILDREN; LOOKING

1 FORWARD TO THIS LONG JOURNEY FOR JUSTICE FINALLY COMING
2 TO AN END; AND LOOKING FORWARD TO MOVING ON WITH MY
3 HUSBAND AND CHILDREN AND ENJOYING THE LIFE WE ARE
4 BUILDING IN COLORADO, FAR FROM HERE AND FREE OF HIM AND
5 HIS MANIPULATIONS.

6 HIS CRIMES LEFT US DAMAGED, BUT WE HAVE
7 NOT BEEN DESTROYED. WE HAVE HOPE FOR OUR FUTURE AS WE
8 HEAL IN SPITE OF HOW HE HAS HURT US. HE DESTROYED HIS
9 FUTURE AND HIS FAMILY WITH HIS CHOICES. NOW HE HAS TO
10 SUFFER THE CONSEQUENCES, SPENDING THE REST OF HIS DAYS
11 CONFINED AND UNDER SOMEONE ELSE'S CONTROL, WITH NO
12 OPPORTUNITY TO HURT ANOTHER CHILD THE WAY HE HURT MY
13 CHILDREN.

14 THANK YOU, YOUR HONOR.

15 THE COURT: THANK YOU.

16 MR. GIBSON: YOUR HONOR, GRACE WOULD LIKE
17 TO ADDRESS THE COURT NEXT.

18 MS. GRACE ZWEITZIG: HI, I AM GRACE
19 ZWEITZIG, I AM THE GRANDDAUGHTER. I HAVE BEEN WAITING
20 FOR THIS DAY SINCE APRIL 2018 WHEN THE RAID HAPPENED.
21 NOW THAT WE ARE FINALLY HERE, IT IS HARD TO KNOW EXACTLY
22 HOW TO FEEL. I HAVE ENDURED YEARS OF PAIN, LOSS AND
23 BETRAYAL BECAUSE OF WHAT THIS MAN DID TO ME. I LOST A
24 SET OF MY GRANDPARENTS BECAUSE OF WHAT HE DID. I LOST
25 MY INNOCENCE. I LOST MY SHOT AT A NORMAL CHILDHOOD.

1 ALTHOUGH THE SITUATION WAS FULL OF LOSS,
2 I FOUND A LOT TO GAIN. FROM LEARNING WHAT IT MEANS TO
3 BE COURAGEOUS, TO LEARNING WHAT IT MEANS TO BE STRONG
4 AND LEARNING HOW TO STAND UP FOR MYSELF, THIS SITUATION
5 CREATED THE PERSON I AM TODAY. FOR A LONG TIME I LIVED
6 IN FEAR AND HELD LARGE AMOUNTS OF ANGER AND HATRED
7 BECAUSE OF WHAT HAPPENED. THE ABUSE CAUSED ME TO
8 BELIEVE THAT I WAS NOTHING BUT AN OBJECT TO TAKE
9 ADVANTAGE OF. THE ABUSE CAUSED ME TO FEEL UNWORTHY OF
10 LOVE, AND LIKE I WAS WORTH NOTHING.

11 HE JUSTIFIED THIS AS A WAY OF SHOWING
12 LOVE. THIS IS NOT LOVE. THIS LED ME TO BELIEVING LOVE
13 WAS VERY DIFFERENT THAN IT ACTUALLY IS. WHEN YOU ARE
14 LITTLE, YOU ARE TAUGHT THAT THOSE IN YOUR FAMILY ARE THE
15 ONES YOU CAN TRUST AND LOVE YOU THE MOST. I WAS YOUNG
16 AND VERY IMPRESSIONABLE. IN FACT, AT THE TIME THIS
17 BEGAN, MY LITTLE BRAIN DIDN'T EVEN KNOW WHAT SEX WAS.
18 IT SHOULD HAVE STAYED PURE AND INNOCENT LIKE THAT FOR A
19 VERY LONG TIME, BUT THIS MAN RUINED ANY CHANCE OF THAT.
20 HE TOOK AWAY MY INNOCENCE. I WILL NEVER BE ABLE TO GET
21 THE NORMAL CHILDHOOD EVERY KID DESERVES. I SPENT MOST
22 OF MY CHILDHOOD YEARS DEPRESSED AND LIVING IN SHADOWS
23 AND SECRETS BEFORE I EVEN UNDERSTOOD WHAT IT WAS. WHAT
24 HAPPENED WILL NEVER BE FAIR, THERE WILL NEVER BE AN
25 EXCUSE. THERE IS NO WAY TO GO BACK IN TIME AND CHANGE

1 WHAT HAPPENED. WE CAN ONLY MOVE FORWARD IN AN ATTEMPT
2 TO MAKE LIFE HAPPIER AND HEALTHIER FROM HERE.

3 THANKFULLY I TOOK MY STEPS TO DEAL WITH
4 THIS TRAUMA AND HAVE BEEN ABLE TO LET GO OF MY ANGER AND
5 RESENTMENT. I REFUSE TO ALLOW HIM TO HAVE ANY MORE
6 CONTROL OVER ME. THIS MAN IS THE MOST MANIPULATIVE,
7 CONNIVING AND DISGUSTING PERSON I HAVE EVER COME IN
8 CONTACT WITH. I WILL NO LONGER LET HIM CONTROL ME OR MY
9 LIFE, AND I BELIEVE THAT SITTING HERE BEING ANGRY AND
10 HARBORING FEELINGS ABOUT THIS IS ALLOWING ME -- IS
11 ALLOWING HIM TO CONTROL ME STILL. HE DOES NOT DESERVE
12 THE SATISFACTION OF KNOWING THAT HE COULD CONTROL ME
13 WHILE LOCKED UP BY ROTTING MY BRAIN. I THINK IT IS
14 EMBARRASSING TO BE HIM. I THINK IT'S EMBARRASSING TO BE
15 RELATED TO SUCH A NARCISSISTIC FREAK.

16 I ALSO FIND IT DESPICABLE THAT HE SEEMS
17 TO HAVE NO REMORSE FOR WHAT HE DID, AND PROBABLY NEVER
18 WILL. I PERSONALLY WILL NEVER UNDERSTAND WHAT IT'S LIKE
19 TO BE SUCH A DISGUSTING PERSON, OBSESSED WITH MYSELF AND
20 WHAT I WANT TO CHOOSE -- AND WHAT I WANT, THAT I CHOOSE
21 TO ABUSE AND DESTROY EVERYONE AROUND ME.

22 I DON'T NEED AN APOLOGY FROM HIM TO FEEL
23 VALIDATED, BUT I DO HOPE THAT ONE DAY HE COMES TO TERMS
24 WITH THE FACT THAT HE WAS IN THE WRONG, AND THERE IS NOT
25 A SINGLE THING THAT CAN EXCUSE WHAT HE DID. I HOPE HE

1 LOOKS AROUND TODAY AND SEES A FAMILY DESTROYED, THE
2 PEOPLE PERMANENTLY TRAUMATIZED, AND THE OVERALL CHAOS HE
3 CAUSED, AND I PRAY TO GOD THAT IS NOT SATISFYING TO HIM
4 THE SLIGHTEST.

5 IT IS EMBARRASSING TO KNOW THAT WE ALL
6 ALLOW HIM TO HAVE THIS MUCH POWER OVER US AND THAT WE
7 PROTECTED HIS EMOTIONS WHEN WE WERE THE ONES IN NEED OF
8 PROTECTION.

9 BECAUSE OF HIM, I LOST MY FAMILY, AND I
10 FELT LIKE I HAD BEEN STABBED IN THE BACK BY EVERY SINGLE
11 ONE OF THEM BECAUSE HE MANIPULATED THEM INTO KEEPING A
12 TOXIC, ABUSIVE PEDOPHILE IN THEIR LIVES. WHEN I WAS
13 YOUNGER, I FELT LIKE I NEEDED VALIDATION FROM ALL OF
14 THESE PEOPLE, BUT I DO NOT. I ALWAYS KNEW WHAT HAPPENED
15 AND KNEW I WAS TELLING THE TRUTH. THANKFULLY, WE HAVE
16 JUST GOTTEN TO THE POINT WHERE EVERYONE ELSE DOES, TOO.
17 THE LITTLE GIRL WHO WANTED SO BADLY TO BE BELIEVED,
18 LOVED AND PROTECTED WILL GET HER JUSTICE TODAY. AFTER
19 THIS, I CAN FINALLY BE AT PEACE WITH THE ENTIRE THING
20 AND LEAVE IT IN THE PAST WHERE IT BELONGS.

21 TO FINISH, I WOULD LIKE TO REMIND
22 EVERYONE THAT JERRY MADE SURE WE ALL KNEW THAT HE READ
23 THE BIBLE COVER TO COVER MULTIPLE TIMES THROUGHOUT HIS
24 LIFE, BECAUSE HE WAS SUCH A MAN OF GOD. ALTHOUGH HE
25 READ IT SO MANY TIMES, IT SEEMS HE UNFORTUNATELY MISSED

1 THIS VERSE, MATTHEW 18:6, BUT WHOSO SHALL OFFEND ONE OF
2 THESE LITTLE ONES WHICH BELIEVE IN ME, IT WERE BETTER
3 FOR HIM THAT A MILLSTONE WERE HANGED ABOUT HIS NECK, AND
4 THAT HE WERE DROWNED IN THE DEPTHS OF THE SEA.

5 THANK YOU.

6 THE COURT: THANK YOU. JUST WAIT A
7 SECOND.

8 MS. GRACE ZWEITZIG: I'M SORRY.

9 THE COURT: I FIND WHAT YOU SAID VERY
10 MOVING. I HAVE NEVER TEARED UP IN A SENTENCING BEFORE,
11 BUT YOU ARE EXTRAORDINARY, BRAVE AND STRONG. AND I WISH
12 YOU ALL THE BEST.

13 MS. GRACE ZWEITZIG: THANK YOU.

14 MR. GIBSON: MAY I APPROACH AND TRY TO
15 GET MS. MORAN ON THE PHONE?

16 THE COURT: YOU MAY.

17 MR. GIBSON: THANK YOU.

18 (DISCUSSION OFF THE RECORD.)

19 THE COURT: WHO IS THIS?

20 MR. GIBSON: THIS IS MS. MORAN, WHO
21 REPRESENTS ONE OF THE VICTIMS.

22 THE COURT: MS. MORAN, GO AHEAD.

23 MS. MORAN: GOOD AFTERNOON, YOUR HONOR.

24 CAN YOU HEAR ME OKAY?

25 THE COURT: YES, I CAN.

1 MS. MORAN: MY NAME IS CHRISTA MORAN, AND
2 I AM HERE ON BEHALF OF THE VICTIM DEPICTED IN THE
3 MOUNTAIN LION SERIES PHOTOS. THANK YOU FOR THE
4 OPPORTUNITY TO ADDRESS THE COURT.

5 I WANTED TO SPEAK TODAY TO HOW THE
6 POSSESSION OF OUR CLIENT'S IMAGES BY THE DEFENDANT AND
7 OTHERS LIKE HIM HAVE IMPACTED HER AND CAUSED HER TO SEEK
8 RESTITUTION.

9 WHEN OUR CLIENT WAS JUST 17 YEARS OLD,
10 SHE FOUND OUT THAT SEXUALLY EXPLICIT IMAGES OF HER WERE
11 BEING TRAFFICKED. THE POLICE CALLED HER DOWN TO THE
12 POLICE STATION, SHOWED HER THE PHOTOS, AND TOLD HER THAT
13 THEY HAD JUST ARRESTED AN INDIVIDUAL IN POSSESSION OF
14 THEM. THEY ASKED HER TO FLIP THROUGH THE PHOTOS TO
15 CONFIRM HER IDENTITY WHILE SHE STOOD IN FRONT OF HER
16 PARENTS. SHORTLY THEREAFTER, THE NEWS OF OUR CLIENT'S
17 NUDE PHOTOGRAPHS SPREAD THROUGHOUT HER COMMUNITY AND
18 HIGH SCHOOL, AND OUR CLIENT WAS SO TRAUMATIZED THAT SHE
19 WAS SENT TO THE HOSPITAL AND PUT ON SUICIDE WATCH.

20 EVER SINCE THEN, SHE HAS BEEN DEVASTATED
21 BY THE KNOWLEDGE THAT HER PREPUBESCENT IMAGES ARE BEING
22 POSSESSED AND VIEWED BY STRANGERS. SHE HAS BEEN PLAGUED
23 BY THE PROLIFERATION OF THESE IMAGES IN VIRTUALLY EVERY
24 FACET OF HER LIFE. SHE IS UNABLE TO GO OUT IN PUBLIC
25 WITHOUT THE FEAR THAT SOMEONE HAS SEEN THE PICTURES.

1 AND WHILE SHE IS TRYING TO MOVE ON WITH HER LIFE AND
2 ATTEND COLLEGE, SHE LIVES IN CONSTANT FEAR THAT HER
3 PORNOGRAPHIC IMAGES ARE BEING CONTINUALLY TRAFFICKED AND
4 VIEWED. SHE BECOMES TRIGGERED WHEN SHE SEES MEN WITH
5 THEIR PHONES OUT WHO ARE LOOKING AT HER, IN CONSTANT
6 FEAR THAT THEY HAVE SEEN HER IMAGES AND RECOGNIZE HER.
7 SHE HAS MOVED MULTIPLE TIMES OVER THE PAST SEVERAL YEARS
8 STATING THAT SHE BECOMES OVERCOME WITH THE THOUGHT THAT
9 EVERY PERSON SHE ENCOUNTERS HAS SEEN HER NAKED BODY.

10 OUR CLIENT HAS THE CORE GOALS IN LIFE OF
11 BEING HAPPY, MAKING MONEY, HAVING A FAMILY. HOWEVER,
12 FOR EVERY STEP SHE TAKES TO CREATE A NEW LIFE, THE
13 CONDUCT OF THE DEFENDANT AND OTHERS LIKE HIM CAUSE HER
14 TO RELAPSE AND EXPERIENCE THE TRAUMA ALL OVER AGAIN.
15 EVERY VIEW IS A REPETITION OF THAT ABUSE. AND GIVEN THE
16 NEVER-ENDING NATURE OF THE DISTRIBUTION, SHE WILL NEVER
17 COME OUT FROM THIS AND WILL NEVER HAVE HER LIFE BACK.

18 OUR CLIENT PUT IT BEST IN HER OWN WORDS.
19 SHE SAID: EVER SINCE I FOUND OUT THAT THESE PHOTOGRAPHS
20 EXISTED, I HAVE BEEN AFRAID. WHEN I WALK DOWN THE
21 STREET AND SOMEONE LOOKS AT ME FUNNY, MY FIRST THOUGHT
22 IS THAT THEY HAVE SEEN MY NAKED 12-YEAR OLD BODY. IT IS
23 A HORRIFIC THOUGHT TO HAVE ON SUCH A REGULAR BASIS. I
24 HAVE BEEN WITH MANY DIFFERENT THERAPISTS, BUT NOBODY
25 REALLY UNDERSTANDS WHAT THAT FEELS LIKE. IT IS NOT

1 NORMAL TO BE AFRAID OF SO MANY PEOPLE. IT IS NOT NORMAL
2 TO WORRY ABOUT YOUR LIFE THIS MUCH. I AM AFRAID TO EVEN
3 INTERVIEW FOR JOBS BECAUSE THERE ARE PEOPLE LIKE THE
4 DEFENDANT WHO DOWNLOAD AND POSSESS THESE IMAGES AND
5 CONTINUE TO DEFILE MY NAME AND REPUTATION.

6 OUR CLIENT HAS BEEN DIAGNOSED WITH
7 ANXIETY, DEPRESSION AND PTSD. SHE WILL REQUIRE
8 EXTENSIVE THERAPY SERVICES FOR THE REMAINDER OF HER LIFE
9 DUE TO THE EXPLOITATION OF THESE PICTURES OF HER AS A
10 MINOR.

11 OUR CLIENT HAS SOUGHT RESTITUTION IN THIS
12 MATTER TO BE REIMBURSED FOR PAST EXPENSES RELATING TO
13 THIS EXPLOITATION, AS WELL AS FUTURE THERAPY AND SAFETY
14 PRECAUTIONS. AS MR. GIBSON MAY HAVE INFORMED THE COURT,
15 WE HAVE REACHED AN AGREEMENT ON THE RESTITUTION AMOUNT.
16 SO THANK YOU FOR THE OPPORTUNITY TO ADDRESS THE COURT
17 TODAY ON BEHALF OF OUR CLIENT.

18 THE COURT: THANK YOU.

19 ANYONE ELSE?

20 MR. GIBSON: JUST MY COMMENTS, YOUR
21 HONOR.

22 THE COURT: GO AHEAD.

23 MR. GIBSON: MAY I INQUIRE, IS EVERYONE
24 COMFORTABLE IF I REMOVE THIS FROM HERE?

25 THE COURT: YOU MAY.

1 MR. GIBSON: I HAVE TWO COMMENTS IN
2 RESPONSE TO MR. ZWEITZIG'S SENTENCING ARGUMENT, AND
3 THERE ARE FOUR POINTS THAT I WANT TO ADDRESS. BUT THERE
4 IS NOTHING THAT I CAN SAY THAT IS GOING TO ADD TO WHAT
5 YOU HAVE HEARD.

6 THE FIRST IS, AND THIS IS IN RESPONSE TO
7 A SENTENCING ARGUMENT. THERE ACTUALLY IS NO SENIOR
8 CITIZEN DISCOUNT FOR CHILD EXPLOITATION. HE DOES NOT
9 GET A LOWER SENTENCE BECAUSE HE DECIDED TO COMMIT THE
10 OFFENSES, OR MORE APPROPRIATELY, GET CAUGHT FOR THE
11 OFFENSES WHEN HE IS IN HIS 70S AS OPPOSED TO HIS 20S OR
12 HIS 30S OR HIS 40S.

13 SECOND POINT RELATED TO THEIR SENTENCING
14 ARGUMENT IS I COMPLETELY AM AT A LOSS AS TO UNDERSTAND
15 HOW REGISTRATION AS A SEX OFFENDER IS A DETERRENT BUT
16 INCARCERATION IS NOT. THAT ONE I AM UNABLE TO EXPLAIN.

17 AS TO THE FOUR POINTS I WOULD LIKE TO
18 ADDRESS SPECIFICALLY AS THEY RELATE TO SENTENCING, FOR
19 THE 3553 FACTORS, THEY RELATE SPECIFICALLY TO THE NATURE
20 OF THE OFFENSE AND ALSO THE CHARACTER AND HISTORY OF THE
21 DEFENDANT. FIRST IS THAT MR. ZWEITZIG WANTS TO ASK FOR
22 CREDIT FOR ACCEPTING RESPONSIBILITY TODAY, AND WE AGREE
23 THAT HE GETS HIS ONE LEVEL FOR ADMITTING RESPONSIBILITY
24 AND SAVING US THE TROUBLE OF THE TRIAL. ALTHOUGH, AS
25 MS. YOUNG ALREADY ALLUDED TO, HE WAS CAUGHT ON THE VIDEO

1 WITH HIS VOICE RECORDED WITH HIS GRANDCHILDREN IN HIS
2 POSSESSION. SO LET'S TAKE A STEP BACK, IF WE COULD,
3 JUST TO WHEN GRACE HAD THE STRENGTH TO MAKE THE INITIAL
4 DISCLOSURE, WHICH WAS IN 2014. WHAT HAPPENED THEN?

5 YOU HAVE ALREADY HEARD, HE DENIED IT.
6 GRACE IS A LIAR. HER FATHER IS PUTTING HER UP TO IT.
7 DIDN'T DO IT, WASN'T ME. HEY, I EVEN WENT TO STAR AND
8 THEY GAVE ME SOME SORT OF SEAL OF APPROVAL. BUT GUESS
9 WHAT HAPPENED NEXT? HE CONTINUED TO DOWNLOAD AND STORE
10 AT LEAST 7,500 MORE OF THE CHILD PORNOGRAPHY IMAGES THAT
11 HE IS CAUGHT WITH AND ANSWERING FOR TODAY. THAT'S THE
12 BULK OF THE COLLECTION AFTER THE INITIAL REPORT.

13 SOME MIGHT HAVE THOUGHT HEY, WOW, THAT
14 WAS CLOSE. I'M NOT GOING TO PRISON. APPARENTLY THEY
15 BELIEVED ME AND STOPPED OR REALLY SOUGHT HELP. DID MR.
16 ZWEITZIG DO ANY OF THOSE THINGS? NO, HE DID NOT.

17 THE SECOND POINT. I HAVE BEEN DOING THIS
18 FOR 25 YEARS. I HAVE TRAINED STATE AND LOCAL
19 PROSECUTORS HOW TO DO THESE CASES. I HAVE MET WITH THE
20 VICTIMS OF SEXUAL ASSAULT OVER AND OVER AGAIN. I KNOW
21 WHAT THE PHENOMENON OF GROOMING IS. I UNDERSTAND IT.
22 UNTIL MR. ZWEITZIG PROVIDED HIMSELF ON AUDIO, I HAD
23 NEVER HEARD IT, AND I CANNOT REMOVE IT FROM MY HEAD.
24 THE MANIPULATION IN HIS VOICE, THE POWER DIFFERENTIAL,
25 THE TRAPPED FEELING THAT IS OBVIOUS ON HIS

1 GRANDDAUGHTER'S FACE.

2 AND RECALL, PLEASE, THAT THE LAST EPISODE
3 THAT CAUSED HER TO REPORT IN THE FIRST PLACE, NO CHILD
4 SHOULD HAVE THIS CRUSHING BURDEN EVER. BUT SHE WAS
5 ABOUT TO ESCAPE. THE FAMILY WAS MOVING OUT OF STATE.
6 SHE HAD HER TICKET OUT OF THE SITUATION. BUT THAT WAS
7 NOT GOOD ENOUGH FOR MR. ZWEITZIG. ONE MORE TIME. ONE
8 MORE TIME.

9 WE QUOTED AT LENGTH FROM THE EXCHANGE ON
10 THE VIDEO. I WILL NEVER HURT YOU. WE WILL KEEP THIS A
11 SECRET. THIS IS JUST BETWEEN YOU AND ME.

12 MY THIRD POINT. YOU KNOW, SOME
13 DEFENDANTS WHO COME BEFORE YOU, YOUR HONOR, ARE NOT
14 ALWAYS AS KEENLY AWARE OF THE CONSEQUENCES OF THEIR
15 ACTIONS AS MR. ZWEITZIG IS. YOU WILL RECALL FROM THE
16 PSR AND FROM THE GOVERNMENT'S SENTENCING MEMORANDUM THAT
17 WHEN HE WAS INTERVIEWED BY THE AUTHORITIES ABOUT THIS,
18 DENYING IT A SECOND TIME, HE INDICATED TO THE DETECTIVES
19 THAT HE KNEW HOW DAMAGING THIS COULD BE BECAUSE OF HIS
20 RELATIONSHIP. HE WAS KEENLY AWARE OF HOW DAMAGING THIS
21 WAS IN HIS OWN MARITAL RELATIONSHIP, AND HE DID IT
22 ANYWAY. NOT ONCE, NOT TWICE, BUT OVER AND OVER. IN THE
23 LAW, WE CALL THAT WILLFULNESS. THAT LEVEL OF INTENT IS
24 NOT EVEN NECESSARY FOR THESE OFFENSES, BUT YOU HAVE IT
25 HERE. HE KNEW HOW DAMAGING THIS WAS, AND HE DID IT

1 ANYWAY, AGAIN AND AGAIN AND AGAIN.

2 MY LAST POINT, WHICH YOU HAVE ALREADY
3 HEARD CONSISTENTLY FROM THE ZWEITZIG FAMILY TODAY. THIS
4 MAN CLOAKED HIMSELF IN THE AUTHORITY OF THE CHURCH; HE
5 CLOAKED HIMSELF IN THE AUTHORITY OF A PATRIARCHAL
6 FIGURE, THE FAMILY FIGURE, THE FATHER FIGURE AT THE HEAD
7 OF THIS FAMILY, WHICH HE SPLINTERED IN TWO BY ACCUSING
8 HIS GRANDDAUGHTER OF LYING ABOUT THESE ALLEGATIONS IN
9 2014. IT IS PAINFULLY, AND I MEAN THAT IN THE SINCEREST
10 TERMS, IT IS PAINFULLY OBVIOUS THAT KIND OF MANIPULATION
11 AND THE USE OF THAT AUTHORITY ON THE VIDEOS DEPICTING
12 HIS BEHAVIOR WITH GRACE.

13 AND I AM SURE I DO NOT NEED TO RECOUNT
14 WHAT HAPPENED WITH SILAS. THERE IS NO MINIMIZING THIS
15 CONDUCT. AND HIS VICTIMS HAVE TO LIVE WITH THIS FOR THE
16 REST OF THEIR LIVES, AND NOT JUST GRACE AND SILAS, BUT
17 ALL OF THE VICTIMS FROM THE COLLECTION WHO I DIDN'T HEAR
18 MR. ZWEITZIG REFERENCE TODAY.

19 GRACE CAPTURED IT MORE ELOQUENTLY THAN I
20 EVER COULD. THIS MAN'S ENTIRE UNIVERSE REVOLVED AROUND
21 HIM. AND WE ARE HERE BECAUSE HE GOT CAUGHT WITH
22 INCONTESTABLE PROOF. HE HAD AN OPPORTUNITY IN 2014 TO
23 SAY, I GOT CAUGHT, I WAS WRONG, I SHOULD NOT BE DOING
24 THIS. INSTEAD, HE LIED, GOT FIVE MORE YEARS OF LIBERTY,
25 AND WHEN HE WAS CAUGHT AGAIN BEFORE THE FORENSIC

1 ANALYSIS WAS DONE OF HIS DEVICES, HE DENIED IT AGAIN.

2 HE DESERVES THE SAME PUNISHMENT THAT EACH
3 ONE OF HIS VICTIMS WILL UNFORTUNATELY ENDURE FOR THE
4 REST OF THEIR LIVES. THE GUIDELINES RECOMMEND WHAT THEY
5 DO BECAUSE OF WHAT HE DID IN THIS CASE. THE PHYSICAL
6 CONTACT, THE AGE OF THE VICTIMS, THE REPEATED CONTACT.
7 THE ONLY SUITABLE PUNISHMENT FOR MR. ZWEITZIG AND THE
8 ONLY ONE THAT ANY OF US CAN BE SURE WILL DETER HIM FROM
9 ANY FUTURE MISCONDUCT IS THE FUNCTIONAL EQUIVALENT OF A
10 LIFE SENTENCE WHICH IS RECOMMENDED BY THE GUIDELINES.

11 YOUR HONOR, WITH RESPECT TO THE
12 RESTITUTION, MS. MORAN WAS CORRECT. MS. YOUNG AND THE
13 GOVERNMENT ON BEHALF OF MR. -- OR WITH MR. ZWEITZIG,
14 HAVE REACHED AN AGREEMENT AS TO THE RESTITUTION AMOUNT.
15 THE ULTIMATE DOLLAR FIGURE IS \$41,992.60.

16 THE COURT: THAT'S IN ADDITION TO THE
17 \$184,681.76?

18 MR. GIBSON: NO, YOUR HONOR, THAT IS THE
19 AGREED-UPON AMOUNT TOTAL.

20 THE COURT: \$41,992.60?

21 MR. GIBSON: YES, MA'AM. AND WE GOT TO
22 THAT AS FOLLOWS: THE SPECIFIC AMOUNTS SOUGHT ON BEHALF
23 OF GRACE, WILLIAM, LAUREN, NOAH AND THE ZWEITZIG FAMILY
24 ARE TO BE PAID IN FULL AS DETAILED IN BOTH THE PSR AND
25 THE GOVERNMENT 'S SENTENCING MEMORANDUM. ALL OF THE

1 OTHER VICTIMS WHO HAVE IMAGES FROM MR. ZWEITZIG'S
2 COLLECTION HAVE AGREED TO THREE -- OR WILL ACCEPT \$3,000
3 PER VICTIM, WITH THE EXCEPTION OF THE VICTIMS IN THE
4 PINK HEART SERIES. THERE ARE TWO, ERICA AND TORY, IN
5 THE JESSICA SERIES, IN THE JENNY SERIES AND IN THE MISTY
6 SERIES THE VICTIM IDENTIFIED AS AMY. THOSE VICTIMS ARE
7 ALL REPRESENTED BY THE MARSH LAW FIRM. THE MARSH LAW
8 FIRM HAS COMMUNICATED THAT BECAUSE THERE ARE VICTIMS WHO
9 SUFFERED HANDS-ON ABUSE HERE, SPECIFICALLY GRACE AND
10 SILAS, IT IS THEIR DESIRE TO WITHDRAW THEIR REQUEST FOR
11 RESTITUTION IN DEFERENCE TO THEM BECAUSE OF THE LIMITED
12 AMOUNT OF RESOURCES THAT ARE AVAILABLE TO MR. ZWEITZIG
13 AND THE LIMITED EXPECTATIONS OF WHAT CAN BE RECOUPED
14 FROM HIM IN THE FUTURE. SO THOSE VICTIMS HAVE ON THEIR
15 OWN VOLUNTEERED TO STEP ASIDE SO THAT THERE IS A GREATER
16 LIKELIHOOD THAT THE VICTIMS WHO SUFFERED HANDS-ON ABUSE
17 WILL SEE SOME COMPENSATION FROM THE LIMITED RESOURCES OF
18 THE DEFENDANT.

19 WITH THAT, YOUR HONOR, I WOULD IMPLORE
20 THE COURT TO IMPOSE THE FUNCTIONAL EQUIVALENT OF A LIFE
21 SENTENCE. IT IS MERITED, IT IS WARRANTED, IT IS
22 DESERVED. AND NO OTHER SENTENCE CAN APPROPRIATELY BEGIN
23 TO ADDRESS WHAT MR. ZWEITZIG HAS DONE TO BRING HIM
24 BEFORE THE COURT TODAY.

25 THE COURT: THANK YOU.

1 MR. ZWEITZIG, I TOLD YOU THAT AFTER WE
2 HAD HEARD FROM YOU, YOUR ATTORNEY AND THE GOVERNMENT AND
3 THE GOVERNMENT'S WITNESSES, I WOULD APPLY THE 3553(A)
4 FACTORS TO THE FACTS IN THIS CASE, AND THAT'S WHAT I AM
5 GOING TO DO.

6 TURNING FIRST TO THE FACTOR THAT THE
7 SENTENCE MUST REFLECT THE SERIOUSNESS OF THE OFFENSE,
8 PROMOTE RESPECT FOR THE LAW AND PROVIDE JUST PUNISHMENT
9 FOR THE OFFENSE. IN THIS CASE, YOU SEXUALLY ABUSED YOUR
10 GRANDDAUGHTER AND YOUR GRANDSON. WHAT IS MORE, YOU
11 PHOTOGRAPHED AND TAPED THE SEXUAL ABUSE. YOU HAD SPENT
12 TIME GROOMING YOUR GRANDDAUGHTER, TELLING HER WHAT TO DO
13 TO HIM, AND INSTRUCTING HER NOT TO TELL. VIDEOTAPING
14 YOURSELF AS YOU WENT ALONG AND KEEPING A DETAILED
15 JOURNAL OF YOUR ACTIVITIES, PART OF WHICH AFTER THE
16 FAMILY MOVED FROM PENNSYLVANIA TO COLORADO, YOU MAILED
17 TO YOUR GRANDDAUGHTER. WHEN HER BROTHER WAS JUST SIX
18 MONTHS OLD, YOU VIDEOTAPED YOURSELF INSERTING A PENIS
19 INTO THE BABY'S MOUTH, AND ENCOURAGING HIM TO SUCK ON
20 IT.

21 WHEN POLICE RAIDED YOUR HOME, THEY FOUND
22 IN ADDITION TO MULTIPLE IMAGES OF YOUR GRANDCHILDREN,
23 OVER 10,000 IMAGES, PICTURES AND VIDEOS OF CHILD
24 PORNOGRAPHY. THE IMAGES SHOWED UNDERAGE CHILDREN IN
25 SEXUAL ACTS WITH OTHER CHILDREN, WITH ADULTS, AND WITH

1 ANIMALS. THE PICTURES OF YOUR GRANDDAUGHTER SHOWED HER
2 GENITALS. THE VIDEO SHOWED HER NAKED, GENITALS EXPOSED
3 AND OBEYING YOUR INSTRUCTIONS TO MANUALLY STIMULATE YOUR
4 PENIS.

5 I TURN NOW TO THE FACTOR THAT THE
6 SENTENCE MUST AFFORD ADEQUATE DETERRENCE TO CRIMINALS.
7 I MUST LOOK AT THE DETERRENCE FACTOR BOTH SPECIFICALLY
8 AND GENERALLY. SPECIFICALLY, ALTHOUGH YOU ARE A
9 FIRST-TIME OFFENDER, THERE IS NO INDICATION THAT YOUR
10 ARREST AND INDICTMENT WOULD STOP YOUR HEINOUS BEHAVIOR.
11 AFTER YOU WERE CONFRONTED BY LOCAL POLICE ABOUT THE
12 ABUSE OF YOUR GRANDDAUGHTER, YOU CONTINUED TO COLLECT
13 CHILD PORNOGRAPHY. YOU DENIED WHAT YOU HAD DONE.
14 NEVERTHELESS, YOU TRANSFERRED MORE THAN 7,500 IMAGES
15 AFTER YOUR GRANDDAUGHTER FIRST REPORTED THE ABUSE.

16 AND WITH RESPECT TO GENERAL DETERRENCE,
17 YOUR ATTORNEY HAS SUGGESTED THAT GIVEN YOUR AGE AND THE
18 VIEWPOINT THAT A LONG SENTENCE WOULD NOT ACTUALLY DETER
19 PEOPLE FROM DOING WHAT YOU HAVE DONE. UNFORTUNATELY,
20 YOUNG AS WELL AS OLD PEOPLE COMMIT SEXUAL CRIMES AGAINST
21 CHILDREN. AND THE SENTENCE THAT I IMPOSE HERE MUST
22 REFLECT THAT ALTHOUGH YOU MAY NOT SURVIVE -- YOU WILL
23 NOT SURVIVE YOUR TIME IN PRISON, EVERYONE SHOULD
24 UNDERSTAND THAT IF THEY ENGAGE IN THESE KIND OF
25 ACTIVITIES, WHATEVER THEIR AGE, HOWEVER YOUNG THEY ARE,

1 THEY RISK SPENDING THEIR LIFE AND DYING IN PRISON.

2 I TURN TO THE FACTOR TO PROTECT THE
3 PUBLIC FROM FURTHER CRIMES OF THE DEFENDANT. I FIND
4 THAT THERE IS OBVIOUSLY A NEED TO PROTECT THE PUBLIC
5 FROM YOUR FURTHER CRIMES.

6 I LOOK AT THE NEED TO PROVIDE YOU WITH
7 EDUCATION, TRAINING AND MEDICAL CARE. I NOTE THAT YOU
8 ARE A HIGHLY EDUCATED MAN. YOU HAVE ADVANCED DEGREES.
9 YOU HAVE READ THE BIBLE TWICE, I UNDERSTAND. SEVERAL
10 TIMES. YOU DO HAVE SOME PHYSICAL AND MENTAL HEALTH
11 ISSUES, YOU HAVE SKIN CANCER, DEPRESSION, HIGH BLOOD
12 PRESSURE, HIGH CHOLESTEROL, AND YOU HAVE PREVIOUSLY BEEN
13 DIAGNOSED WITH CORONARY ARTERY DISEASE.

14 I TALKED ABOUT THE SENTENCING GUIDELINE
15 RANGE, AND OBVIOUSLY THAT WILL PLAY INTO MY SENTENCE.
16 THERE HAVE BEEN NO SPECIFIC POLICY STATEMENTS THAT HAVE
17 BEEN IDENTIFIED BY THE PARTIES HERE.

18 I LOOK AT THE NATURE AND CIRCUMSTANCES OF
19 THE OFFENSE AND THE HISTORY AND CHARACTERISTICS OF THE
20 DEFENDANT. AND HERE, HERE, THE DEFENDANT IS A HIGHLY
21 EDUCATED MAN, A PASTOR, A MAN OF GOD. THE PATER
22 FAMILIAS OF HIS FAMILY, A LEADER IN HIS COMMUNITY. AND
23 THOSE FACTS MAKE THE CRIME PARTICULARLY SHOCKING, THE
24 CRIMES PARTICULARLY SHOCKING. THE IMPACT THAT YOU HAD
25 ON YOUR GRANDCHILDREN IS UNFATHOMABLE. YOUR

1 GRANDDAUGHTER, YOUR VERY, VERY BRAVE GRANDDAUGHTER
2 DESCRIBED IN THE SUBMISSIONS TO ME BEING ASHAMED,
3 FEELING IN A DEEP DEPRESSION, TURNING TO A BAD CROWD AND
4 DRUGS TO EASE HER PSYCHOLOGICAL PAIN. SHE DESCRIBED
5 PANIC ATTACKS, SHE QUESTIONED HER SELF-WORTH. SHE
6 WONDERED WHETHER SHE WAS WORTHY OF LOVE OR EVEN WORTHY
7 OF LIVING. THE DAMAGE SUFFERED IS SIMILARLY DESCRIBED
8 BY THE CHILDREN WHO, ALTHOUGH THEY DID NOT KNOW YOU
9 PERSONALLY, FORTUNATELY, HAVE BEEN VICTIMIZED BY WHAT
10 YOU HAVE DONE. THEY TOO DESCRIBE THE FEAR, THE SHAME,
11 THE SENSE OF DEGRADATION. THEY ALSO DESCRIBE THE
12 POWERLESSNESS AND THE HOPELESSNESS THEY FEEL BECAUSE THE
13 IMAGES OF THEM BEING SEXUALLY ABUSED REMAIN ON THE
14 INTERNET FREE TO BE ACCESSED BY OTHERS LIKE THE
15 DEFENDANT.

16 ALTHOUGH DEFENDANT ASKS FOR MERCY BECAUSE
17 OF HIS AGE, AND WHAT HE SAYS IS AN OTHERWISE UNBLEMISHED
18 LIFE, HIS SON, THE FATHER OF HIS GRANDCHILDREN,
19 DESCRIBES THE TERRIBLE PAIN DEFENDANT HAS INFLICTED AND
20 BEGS THE COURT TO UNDERSTAND THAT THE MAN HAS POISONED
21 HIS FAMILY AND DESERVES NO MERCY. AND HIS WIFE
22 DESCRIBES HER FATHER-IN-LAW AS HAVING A LEVEL OF
23 DEPRAVITY BEYOND ANYTHING SHE CAN FATHOM.

24 THE CHILDREN WHOSE LIFE HE HAS HORRIBLY
25 TAINT ED MUST BE ABLE TO REACH SOLACE IN THE FACT THAT

1 SOCIETY HAS UTTERLY CONDEMNED YOUR ACTIONS. AND FOR ALL
2 TIME, THERE WILL BE A CRY TO HEAVEN THAT THIS MAN IS A
3 SEXUAL ABUSER. THIS MAN IS A CHILD PORNOGRAPHER. THIS
4 MAN IS A HEINOUS CRIMINAL.

5 AND AS WE ARE CITING THE BIBLE, I WILL
6 CITE TO YOU REVELATION 20:1 THROUGH 15. I ASSUME YOU
7 KNOW THE PASSAGE THAT I AM REFERRING TO.

8 AND THE DEVIL, WHO HAD DECEIVED THEM, WAS
9 THROWN INTO THE LAKE OF FIRE AND SULFUR, WHERE THE BEAST
10 AND THE FALSE PROPHET WERE, AND THEY WILL BE TORMENTED
11 DAY AND NIGHT FOR EVER AND EVER.

12 I LOOK AT THE KINDS OF SENTENCES
13 AVAILABLE. IN THIS CASE, THE MAXIMUM INCARCERATION IS
14 2,400 MONTHS. WITH RESPECT TO SUPERVISED RELEASE, IT IS
15 FIVE YEARS TO LIFE, AND A FINE TO BE IMPOSED IS 50,000
16 TO \$500,000. AND THERE IS A SPECIAL ASSESSMENT OF \$100
17 PER CHARGE.

18 I LOOK TO THE NEED TO AVOID UNNECESSARY
19 SENTENCING DISPARITIES, AND OBVIOUSLY I HAVE MY
20 GUIDELINES RANGE THAT I CAN LOOK TO IN ORDER TO
21 DETERMINE THAT. AND I LOOK TO THE NEED TO PROVIDE
22 RESTITUTION TO VICTIMS. AND IN THIS CASE, THE AGREED
23 AMOUNT IS \$41,992.60.

24 PLEASE STAND.

25 PURSUANT TO THE SENTENCING REFORM ACT OF

1 1984, IT IS THE JUDGMENT OF THIS COURT THAT THE
2 DEFENDANT, JERRY ZWEITZIG, IS HEREBY COMMITTED TO THE
3 CUSTODY OF THE BUREAU OF PRISONS TO BE IMPRISONED FOR A
4 TERM OF 200 YEARS. THAT IS A TERM OF 360 MONTHS ON EACH
5 OF COUNTS 1 THROUGH 5 ON CRIMINAL NUMBER 19-311 TO BE
6 SERVED CONSECUTIVELY WITH EACH OTHER, A TERM OF
7 240 MONTHS ON COUNT 6 OF CRIMINAL NUMBER 19-311 TO BE
8 SERVED CONSECUTIVELY TO COUNTS 1 THROUGH 5 OF CRIMINAL
9 NUMBER 19-311. AND A TERM OF 360 MONTHS ON COUNT 1 OF
10 CRIMINAL NUMBER 20-153 TO BE SERVED CONSECUTIVELY TO ALL
11 OTHER COUNTS TO THE EXTENT NECESSARY TO PRODUCE A TOTAL
12 TERM OF 2,400 MONTHS.

13 UPON RELEASE FROM IMPRISONMENT, THE
14 DEFENDANT SHALL BE PLACED ON SUPERVISED RELEASE FOR LIFE
15 ON EACH COUNT OF 1 THROUGH 6 OF CRIMINAL NUMBER 19-311,
16 AND COUNT 1 OF CRIMINAL NUMBER 20-153, SUCH TEAMS TO RUN
17 CONCURRENTLY. WITHIN 72 HOURS OF RELEASE FROM THE
18 CUSTODY OF THE BUREAU OF PRISONS, THE DEFENDANT SHALL
19 REPORT IN PERSON TO THE PROBATION OFFICE IN THE DISTRICT
20 TO WHICH THE DEFENDANT IS RELEASED. WHILE ON SUPERVISED
21 RELEASE, THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL,
22 STATE OR LOCAL CRIME, SHALL BE PROHIBITED FROM
23 POSSESSING A FIREARM OR OTHER DANGEROUS DEVICE, SHALL
24 NOT POSSESS AN ILLEGAL CONTROLLED SUBSTANCE, AND SHALL
25 COMPLY WITH THE OTHER STANDARD CONDITIONS THAT HAVE BEEN

1 ADOPTED BY THIS COURT. THE DEFENDANT MUST SUBMIT TO ONE
2 DRUG TEST WITHIN 15 DAYS OF COMMENCEMENT OF SUPERVISED
3 RELEASE, AND AT LEAST TWO TESTS THEREAFTER AS DETERMINED
4 BY THE PROBATION OFFICE. THE DEFENDANT SHALL SUBMIT TO
5 THE COLLECTION OF A DNA SAMPLE FROM THE DEFENDANT AT THE
6 DIRECTION OF THE UNITED STATES PROBATION OFFICE PURSUANT
7 TO SECTION THREE OF THE DNA ANALYSIS BACKLOG ELIMINATION
8 ACT OF 2000.

9 IN ADDITION, THE DEFENDANT SHALL COMPLY
10 WITH THE FOLLOWING SPECIAL CONDITIONS: THE DEFENDANT
11 SHALL SUBMIT TO A SEX OFFENDER ASSESSMENT WHICH MAY
12 INCLUDE THE USE OF SPECIFIC ASSESSMENT TOOLS, INCLUDING
13 BUT NOT LIMITED TO A POLYGRAPH, PLETHYSMOGRAPH OR ABEL.
14 THE DEFENDANT SHALL PARTICIPATE IN A SEX OFFENDER
15 PROGRAM FOR EVALUATION AND TREATMENT AND ABIDE BY THE
16 RULES OF ANY SUCH PROGRAM UNTIL SATISFACTORILY
17 DISCHARGED. WHILE IN THE TREATMENT PROGRAM, THE
18 DEFENDANT SHALL SUBMIT TO RISK ASSESSMENT, PSYCHOLOGICAL
19 TESTING AND PHYSIOLOGICAL TESTING, WHICH MAY INCLUDE,
20 BUT IS NOT LIMITED TO, POLYGRAPH OR OTHER SPECIFIC TESTS
21 TO MONITOR COMPLIANCE WITH SUPERVISED RELEASE AND
22 TREATMENT CONDITIONS. THE DEFENDANT SHALL REPORT TO THE
23 U.S. PROBATION OFFICE ANY REGULAR CONTACT WITH CHILDREN
24 OF EITHER SEX UNDER THE AGE OF 18. THE DEFENDANT SHALL
25 NOT OBTAIN EMPLOYMENT OR PERFORM VOLUNTEER WORK WHICH

1 INCLUDES REGULAR CONTACT WITH CHILDREN UNDER THE AGE OF
2 18 .

3 THE DEFENDANT SHALL SUBMIT TO INITIAL
4 INSPECTION BY THE U.S. PROBATION OFFICE AND TO ANY
5 EXAMINATION DURING SUPERVISION OF THE DEFENDANT'S
6 COMPUTER AND ANY DEVICES, PROGRAMS OR APPLICATIONS. THE
7 DEFENDANT SHALL ALLOW THE INSTALLATION OF ANY HARDWARE
8 OR SOFTWARE SYSTEMS WHICH MONITOR OR FILTER COMPUTER
9 USE. THE DEFENDANT SHALL ABIDE BY THE STANDARD
10 CONDITIONS OF COMPUTER MONITORING AND FILTERING THAT
11 WILL BE APPROVED BY THE COURT. THE DEFENDANT IS TO PAY
12 THE COST OF THE COMPUTER MONITORING, NOT TO EXCEED THE
13 MONTHLY CONTRACTUAL RATE, IN ACCORDANCE WITH THE
14 PROBATION OFFICE'S DISTRIBUTION.

15 THE DEFENDANT SHALL COMPLY WITH THE
16 REQUIREMENTS OF THE SEX OFFENDER REGISTRATION AND
17 NOTIFICATION ACT AS DIRECTED BY THE PROBATION OFFICER,
18 THE BUREAU OF PRISONS OR ANY STATE SEX OFFENDER
19 REGISTRATION AGENCY WHERE HE RESIDES, WORKS, IS A
20 STUDENT OR WAS CONVICTED OF A QUALIFYING OFFENSE. THE
21 DEFENDANT SHALL PARTICIPATE IN A MENTAL HEALTH PROGRAM
22 FOR EVALUATION AND/OR TREATMENT AND ABIDE BY THE RULES
23 OF ANY SUCH PROGRAM UNTIL SATISFACTORILY DISCHARGED.

24 THE DEFENDANT SHALL PROVIDE THE U.S.
25 PROBATION OFFICE WITH FULL DISCLOSURE OF HIS FINANCIAL

1 RECORDS TO INCLUDE YEARLY INCOME TAX RETURNS UPON THE
2 REQUEST OF THE U.S. PROBATION OFFICE. THE DEFENDANT
3 SHALL COOPERATE WITH THE PROBATION OFFICE IN THE
4 INVESTIGATION OF HIS FINANCIAL DEALINGS AND SHALL
5 PROVIDE TRUTHFUL MONTHLY STATEMENTS OF HIS INCOME. THE
6 DEFENDANT IS PROHIBITED FROM INCURRING ANY NEW CREDIT
7 CARD CHARGES OR OPENING ADDITIONAL LINES OF CREDIT
8 WITHOUT THE APPROVAL OF THE PROBATION OFFICER, UNLESS
9 THE DEFENDANT IS IN COMPLIANCE WITH A PAYMENT SCHEDULE
10 FOR ANY FINE OR RESTITUTION OBLIGATION. THE DEFENDANT
11 SHALL NOT ENCUMBER OR LIQUIDATE INTEREST IN ANY ASSETS
12 UNLESS IT IS IN DIRECT SERVICE OF THE FINE OR
13 RESTITUTION OBLIGATION OR OTHERWISE HAS THE EXPRESS
14 APPROVAL OF THE COURT.

15 IT IS FURTHER ORDERED THAT THE DEFENDANT
16 SHALL MAKE RESTITUTION IN THE AMOUNT OF \$41,992.60.
17 PAYMENTS SHOULD BE MADE PAYABLE TO CLERK, U.S. DISTRICT
18 COURT, FOR PROPORTIONATE DISTRIBUTION TO THE VICTIMS AS
19 PROVIDED FOR BY THE GOVERNMENT. AND I THINK I DO NOT
20 HAVE THAT FULL LIST.

21 MR. GIBSON: I DO, YOUR HONOR.

22 THE COURT: OKAY. PROVIDE THAT TO MY
23 DEPUTY.

24 THE RESTITUTION IS DUE IMMEDIATELY. IT
25 IS RECOMMENDED THAT THE DEFENDANT PARTICIPATE IN THE

1 BUREAU OF PRISONS INMATE FINANCIAL RESPONSIBILITY
2 PROGRAM AND PROVIDE A MINIMUM PAYMENT OF \$25 PER QUARTER
3 TOWARDS RESTITUTION. IN THE EVENT THE ENTIRE
4 RESTITUTION IS NOT PAID PRIOR TO THE COMMENCEMENT OF
5 SUPERVISION, THE DEFENDANT SHALL SATISFY THE AMOUNT DUE
6 IN MONTHLY INSTALLMENTS OF NOT LESS THAN \$500, TO
7 COMMENCE 30 DAYS AFTER RELEASE FROM CONFINEMENT.

8 THE DEFENDANT SHALL NOTIFY THE UNITED
9 STATES ATTORNEY FOR THIS DISTRICT WITHIN 30 DAYS OF ANY
10 CHANGE OF MAILING ADDRESS OR RESIDENCE THAT OCCURS WHILE
11 ANY PORTION OF THE RESTITUTION REMAINS UNPAID.

12 THE COURT FINDS THAT THE DEFENDANT DOES
13 NOT HAVE THE ABILITY TO PAY A FINE. THE COURT WILL
14 WAIVE THE FINE IN THIS CASE. IT IS FURTHER ORDERED THAT
15 THE DEFENDANT PAY TO THE UNITED STATES A TOTAL SPECIAL
16 ASSESSMENT OF \$700 WHICH SHALL BE DUE IMMEDIATELY. THE
17 DEFENDANT IS ALSO SUBJECT TO THE PROVISIONS OF THE
18 JUSTICE FOR VICTIMS OF TRAFFICKING ACT OF 2015. IT IS
19 FURTHER ORDERED THAT THE DEFENDANT SHALL PAY TO THE
20 UNITED STATES AN ASSESSMENT OF \$35,000 WHICH SHALL BE
21 DUE IMMEDIATELY. THE SPECIAL ASSESSMENT AND JVTA
22 ASSESSMENT ARE DUE IMMEDIATELY. IT IS RECOMMENDED THAT
23 THE DEFENDANT PARTICIPATE IN THE BUREAU OF PRISONS
24 INMATE FINANCIAL RESPONSIBILITY WITH A MINIMUM PAYMENT
25 OF \$25 PER QUARTER TOWARDS THE SPECIAL ASSESSMENT. THE

1 DEFENDANT SHALL NOTIFY THE UNITED STATES ATTORNEY FOR
2 THIS DISTRICT WITHIN 30 DAYS OF ANY CHANGE OF NAME,
3 ADDRESS OR RESIDENCE THAT OCCURS WHILE ANY PORTION OF
4 THIS SPECIAL ASSESSMENT REMAINS UNPAID.

5 DOES COUNSEL KNOW OF ANY REASON WHY THE
6 IMPLEMENTATION OF THIS SENTENCE WOULD BE UNLAWFUL?

7 MS. YOUNG: THE ONLY ISSUE I SEE, YOUR
8 HONOR, IS WITH THE \$35,000 SPECIAL ASSESSMENT. I THINK
9 THAT HAS TO BE IF THERE -- IT HAS TO BE IF HE IS NOT
10 INDIGENT. AM I CORRECT ABOUT THAT? AND I RAISE IT
11 ESPECIALLY BECAUSE WITH THE RESTITUTION, I DON'T KNOW
12 WHAT ORDER THINGS GO IN, BUT JUST TO -- HE IS INDIGENT
13 AND JUST TO ELIMINATE ANY POSSIBILITY THAT MONEY WOULD
14 GO TO A SPECIAL ASSESSMENT OVER RESTITUTION, I THINK IT
15 MAKES SENSE.

16 THE COURT: ANY THOUGHTS ABOUT THAT, MR.
17 GIBSON?

18 MR. GIBSON: YOUR HONOR, I AM KEENLY
19 AWARE THAT MR. ZWEITZIG IS REPRESENTED BY THE DEFENDER.
20 IT SEEMS TO ME UNLIKELY THAT HE WOULD BE ABLE TO PAY THE
21 SPECIAL ASSESSMENT, AND THAT THAT COULD, IF THE FUNDS
22 WERE DIVERTED TOWARDS THE SPECIAL ASSESSMENT, THAT WOULD
23 IMPACT HIS ABILITY TO MAKE ANY PROGRESS ON THE
24 RESTITUTION PAYMENTS.

25 THE COURT: SO YOU WOULD AGREE THAT UNDER

1 THESE CIRCUMSTANCES I CAN CONCLUDE THAT HE IS INDIGENT,
2 AND THEREFORE THE PAYMENT IS NOT APPROPRIATE?

3 MR. GIBSON: YES, YOUR HONOR.

4 THE COURT: OKAY. STRIKE THE PORTION
5 WITH RESPECT TO THE \$35,000 PAYMENT.

6 ANY OBJECTION TO PROCEDURAL
7 UNREASONABLENESS OR ERRORS BY THE COURT?

8 MS. YOUNG: JUST FOR THE RECORD, YOUR
9 HONOR, I DO HAVE TO MAKE THE OBJECTION UNDER
10 FLORES-MEJIA THAT YOUR HONOR DID NOT SUFFICIENTLY
11 CONSIDER MY ARGUMENTS EARLIER, FOR THE RECORD.

12 THE COURT: OKAY. IN MY DISCUSSION OF
13 THE 3553(A) FACTORS, I DID INCLUDE A DISCUSSION OF YOUR
14 ARGUMENT, AND I HAVE DENIED THE MOTION.

15 MS. YOUNG: OKAY.

16 THE COURT: ANYTHING FROM THE GOVERNMENT?

17 MR. GIBSON: NO, YOUR HONOR.

18 THE COURT: MR. ZWEITZIG, I SENTENCE YOU
19 TO 200 YEARS OF INCARCERATION, LIFETIME SUPERVISED
20 RELEASE AND A \$700 SPECIAL ASSESSMENT, AND RESTITUTION
21 IN THE AMOUNT OF \$41,992.60.

22 I AM NOW GOING TO READ YOU YOUR RIGHTS TO
23 APPEAL. FOR AN APPEAL TO BE EFFECTIVE, YOU MUST FILE A
24 NOTICE OF APPEAL WITHIN 14 DAYS FROM THE DATE JUDGMENT
25 IS ENTERED. IF YOU ARE UNABLE TO FILE AN APPEAL OR YOUR

1 ATTORNEY IS UNWILLING TO FILE AN APPEAL, YOU MAY FORWARD
2 THE APPEAL TO ME AND I WILL HAVE THE DEPUTY CLERK ENTER
3 THE APPEAL ON YOUR BEHALF. FAILURE TO FILE A NOTICE OF
4 APPEAL WILL RESULT IN YOU LOSING YOUR RIGHTS TO APPEAL
5 THE COURT'S SENTENCE TO THE COURT OF APPEALS. IN
6 ADDITION, YOU ARE HEREBY ADVISED THAT YOU HAVE A RIGHT
7 TO BE REPRESENTED BY COUNSEL ON APPEAL. IF YOU ARE
8 FINANCIALLY UNABLE TO HIRE PRIVATE COUNSEL, YOU MAY
9 SUBMIT A FINANCIAL AFFIDAVIT. AND IF YOU QUALIFY, THE
10 COURT WILL APPOINT COUNSEL TO HANDLE THE APPEAL. YOU
11 ARE COMMITTED TO THE CUSTODY OF THE BUREAU OF PRISONS TO
12 BE IMPRISONED FOR A TERM OF 2,400 MONTHS.

13 THE ORIGINAL REPORT AND THE RECORD OF THE
14 PROBATION OFFICER TO BE RETURNED, RECOMMENDATION NOT TO
15 BE RELEASED. I UNDERSTAND THAT THERE IS A MOTION TO
16 IMPOUND, IS THAT CORRECT?

17 MR. GIBSON: YES. IT WAS TO THE EXHIBITS
18 ATTACHED TO THE SENTENCING MEMORANDUM. I BELIEVE IT MAY
19 HAVE ALREADY BEEN ENTERED.

20 THE COURT: YOU THINK IT'S BEEN SIGNED?

21 MR. GIBSON: I BELIEVE IT WAS.

22 THE COURT: OKAY.

23 ANYTHING ELSE?

24 MR. GIBSON: NOT FROM THE GOVERNMENT.

25 MS. YOUNG: NO, YOUR HONOR.

1 THE COURT: THEN HE IS HEREBY REMANDED TO
2 THE CUSTODY OF THE BUREAU OF PRISONS.

3 (COURT ADJOURNED.)
4

5 I CERTIFY THAT THE FOREGOING IS A CORRECT
6 TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE
7 ABOVE-ENTITLED MATTER.

8 November 12, 2020

9 DATE

Lynn Gligor
OFFICIAL COURT REPORTER

10 LYNN GLIGOR, RMR
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